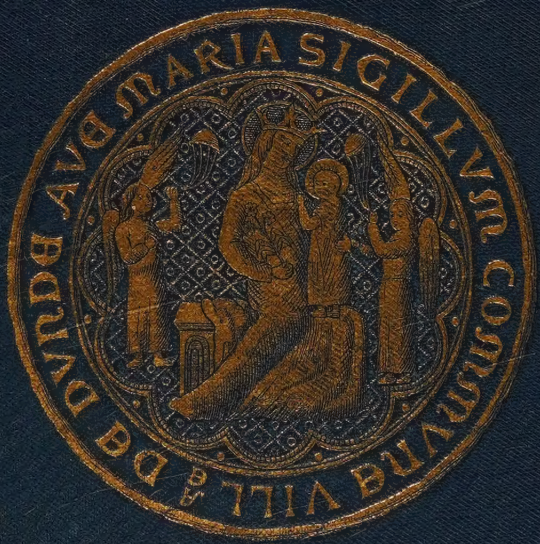
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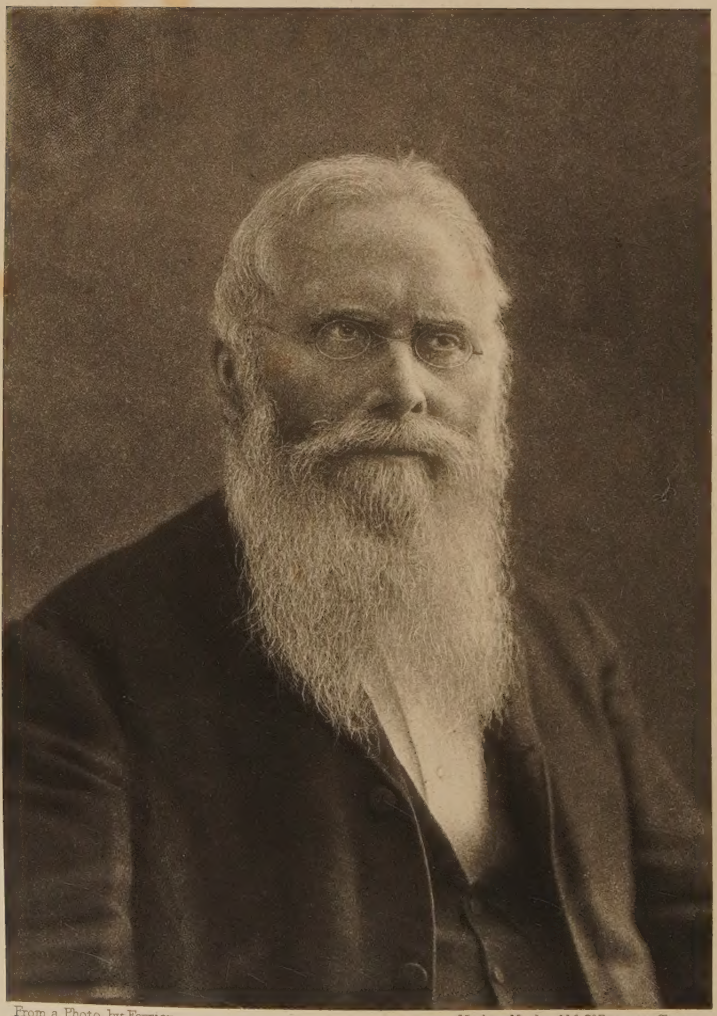

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OLD DUNDEE,

ECCLESIASTICAL, BURGHAL, AND SOCIAL,

PRIOR TO THE REFORMATION.

BY

ALEXANDER MAXWELL, F.S.A. Scot.,

AUTHOR OF "THE HISTORY OF OLD DUNDEE."

EDINBURGH: DAVID DOUGLAS, CASTLE STREET.
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WILLIAM KIDD, PRINTER.

TO

The Lord Provost,

Magistrates, and Councillors

OF THE CITY AND ROYAL BURGH OF DUNDEE,

THIS WORK

IS RESPECTFULLY DEDICATED.

PREFACE.

At the time of the publication of my "History of Old Dundee"—which deals almost entirely with matters subsequent to the Reformation—my intention was to have followed it with another volume bringing the subject down to a later period. Having, however, made an examination of the Burgh Court Records—which begin at a much earlier date than the Council Register, on which my "History" is mainly founded—I discovered that the earliest of them are of so much interest and importance as illustrations of pre-reformation times, that I resolved to delay the execution of this intention, and devote myself to the production of a separate work in elucidation of a period for which there is such ample and valuable material. This does not lead to repetitions; for, at the few points where the dates of the "History" and this work overlap, the subjects are usually different. The first volume of the Records is the one already described as "The Book of the Church," originally intended to contain the inventories of the altar ornaments in St. Mary's Church, but which, after having been only in small part used for that purpose, was filled up with the Records of the Burgh Court from 28th November, 1520, to 13th October, 1523, with an additional entry the following August This is the oldest historical volume in the city archives, and its preservation from the destruction which befell the others in 1548, is probably due, as before noticed, to its having been carried abroad,

where, as his autograph shows, it had been for some time in the possession of Cardinal Tollet. The next volume begins 28th September, 1550, and the others follow regularly, although with occasional breaks. These Records, which have not hitherto been explored or, in any part, made public, were courteously placed at my service by Mr William Hay, the town clerk, and they received my closest attention. I found the volumes to be in a good state of preservation, and the writing in general well executed—some of it, indeed, being very beautiful—although parts are in a rather cramped hand which, where the ink has faded, is somewhat difficult to decipher. I may, however, say that in hardly any instance did the exercise of patience and care fail in recovering what appeared to be the writer's meaning. The first volume is of such extreme value that I transcribed it wholly. The following eight—which record the proceedings of the Court from 1550 to 1568—I read through carefully, and copied out those entries that might serve the purpose of this work by throwing light upon the history of the past; and have used all the transcriptions that seemed to be either important or interesting.

Besides these Records, I have obtained the use of other valuable unpublished documents, which help to elucidate them and the local history of the period—firstly, those in the city archives; secondly, those discovered in the Edinburgh Register House, among the earliest records of the Court of Session, by my friend the Rev. Walter Macleod; and thirdly, additional letters written by the leaders of the English invasion at Dundee to Protector Somerset, transcribed from the originals in the London Record Office. These writings have been supplemented from contemporary annalists and other historic authorities.

In using the materials thus collected, I judged it best to adopt the same system as in my former work, and, instead of printing the various entries separately as they occur, without either coherence or

connection, leave out the merely formal matter, and combine together those relating to the same subject, or of a cognate nature, without regard to strict chronological order; but giving the dates of the principal entries in the margin. This method not only favours the arrangement of the somewhat ungainly material into a more concise, simple, and consecutive narrative form, but also makes the meaning and relative bearing of the various details so much clearer, that, I think, the additional cost of labour it has required may fairly be justified. As in my previous work, I have considerably modernised the old spellings—these being often so archaic, contracted, and irregular as to present needless difficulties to the general reader—except in the case of words of philological or antiquarian interest, which I have printed as they are written, offering explanations of them in notes, where such seemed desirable; and have endeavoured to preserve the language in all its forcible quaintness.

The period over which these domestic annals extend, although short, was both eventful and troublous. Seven years before the earliest of them, a hasty and ill-judged invasion of England, resulted in the disastrous Battle of Flodden, in which the rash King himself and many of his valiant followers were slain; and, in the course of their three years' chronicle of social life, the minority of James V. and the Regency of Albany did not provide favourable conditions for either national prosperity or burghal development. Three years before the continuous Records commence, and during the infancy of Mary, "our auld enemies of England" in their turn invaded Scotland; and, having gained a victory at Pinkie, established themselves for some time in several places along the eastern coast, from whence they were able to ravage the surrounding country, and, in especial, to do irreparable injury to Dundee. During the peaceful season that followed, these annals have much to tell of the efforts made by the

burghers to restore the town out of its ruins; although the weak government of another Regency, and the factious contentions of unworthy public men did not favour the success of this heavy task.

The particulars which I have found regarding the great Church of St. Mary—its many altars and numerous ecclesiastics—of the lesser churches, and the several convents at the time of their utmost splendour, have enabled me to show how important were the various religious houses, and how magnificent the services which were held within their walls. The English invaders ruthlessly destroyed all the buildings, and the burghers were only able to partially restore the principal Church and to re-erect some of its altars, at which worship continued to be conducted with meaner service for the few years that the old ritual was maintained. A Protestant congregation—the first in Scotland—was soon formed in the burgh, to which both rulers and people quietly attached themselves, and then took measures for getting rid of all memorials of the ancient faith. We will see that some of the churchmen became secularised, and settled down into reputable and worthy citizens—that the priests' vestments were turned into gowns to serve the members of the Kirk Session—that the stones of the convents and lesser churches were sold for building purposes, and the lands appropriated for burghal use—and that, in the indecent scramble for ecclesiastical property, some landward churches were despoiled of their bells, and—perhaps the most reckless and foolish act of them all—that the timber-work of the venerable Abbey of Lindores, was torn down and carried off to roof the tolbooth of Dundee.

From the many incidents and allusions illustrative of burghal and social life, with which my search among the old writings has been rewarded, I have endeavoured to present a picture of the burgh and its people, as they were before the Reformation had affected either the aspect of one or the habits of the other. In this my aim has

been to show the situation and distinctive features of the old town—its streets and gardens, its wells and water courses; and to exhibit the people in their ordinary life and social relations—their food supply, their houses and furniture, their dress and ornaments, their offensive and defensive arms, the rights and property of children, the position occupied by women, and the economy of the household; and further, to sketch the main pillars of the commonweal—its enterprising Guild of merchants, its industrious communities of craftsmen, the valued privileges of its burgesses, the paternal government of its Council, and the firm discretion of its magistrates, who, although sometimes inflicting punishment with grotesque severity, were usually directed by a sound and natural sense of justice. Finally, from these data, which are found in contemporary annals, as it were by lifting the corner of a veil that hides the dim and distant past, I have endeavoured to obtain, and place before my readers, an estimate of the condition and manner of life of the men and women of the old burgh at a great epoch in the national history, with the hope that it may be found somewhat interesting and, perhaps, instructive.

Among noted men of the period that present themselves to our attention, I find Hector Boece, the early Scottish historian, pleading for a client in the Burgh Court; and have noticed his connection with the town—George Wishart, the Martyr, in his benevolent missionary labours; and have endeavoured—I trust not unsuccessfully—to clear his memory from the charge of conspiring against the life of Cardinal Beaton—the brothers Wedderburn, famous as men of letters, in active burghal life; and have considered the association of their writings with Dundee—and John Knox, the stalwart reformer, sitting in council with the first congregation; and have glanced at the important part he took in forwarding a great national work.

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OLD DUNDEE,

PRIOR TO THE REFORMATION.

I.

THE CHURCH,

IN ITS TIME OF CHANGE.

Quhairfoir ye Clerkis grittest of constance,
Fullest of science and of knowledging,
To us be mirrouris in your governance,
And in our darkness be lampis in schining;
Or than in frustar is your lang leirning:
Gif to your sawis your deidis contrair be,
Your maist accusar salbe your awin cunning—
A perilous seikness is vaine prosperitie.

WILLIAM DUNBAR.

Had not your self begun the weiris
Your stepillis had been standing yet,
It was the flattering of your Freiris
That ever gart Sanct Francis flit.

WEDDERBURN'S "GUDE AND GODLIE BALLATES."

A. Hutcheson.

G.B. Oliver Sc.

St MARY'S CHURCH, DUNDEE.

AS IT IS BELIEVED TO HAVE STOOD UNTIL 1548

CHAPTER I.

ST. MARY'S CHURCH.

Its traditional foundation by the Earl of Huntingdon—Its early connection with Lindores Abbey—The Abbot and Convent empowered to present its Vicars and plant Schools in the Burgh—Dispute concerning the Vicar's stipend—The Church burned by the English—Is restored and the Tower erected in the Fifteenth Century—The Abbey relieved from repairing the Choir—Contract with a mason for working at the Church—The erection of a Clock in the Tower.

Dundee occupies so favourable a site upon the sheltered bank of a noble navigable river, and is so well provided with a natural and convenient haven, that we may almost conclude that from remote times it has been a centre of population and of some commercial activity. We do not, however, have any special records of this. It was long until it became developed into a place of much importance, and its early history is in great measure obscure. In the twelfth century, when we first obtain a certain glimpse of it, the houses only extended along the river frontage from the Castle rock eastward to the Wallace burn, and formed a few streets, the principal of which, the Seagate, had the West Port at its one end and the East Port near the other.

At the time when the history of the burgh itself is merely shadowy we begin to obtain some knowledge of the churches. In the Seagate there had been St. Paul's and St. Anthony's, and in what is now Sugar House Wynd, Our Lady Chapel. Westward, beyond what was then the town proper, upon the river bank there stood "the very old" Church of St. Clement, and farther along upon a rocky islet, St. Nicholas' Chapel, while higher up in "the wheat field" the first great church dedicated to the Virgin was about to be erected. We cannot attach entire credit to the traditional accounts which have been transmitted to us regarding the foundation of this Church by the

Earl of Huntingdon, but there is no reason to doubt their substantial accuracy. Hector Boece, whose narrative of the circumstances has been followed by later historians, although he accepted of mere legends as historical data with the simple credulity which was characteristic of his age, had presumably been familiar with current accepted traditions, and even with written records regarding the erection of the Church. In Bellenden's valued translation of the Chronicles into the vernacular tongue, printed some ten years after the original Latin edition, he says that the Earl on his return from the Holy Land, toward the end of the twelfth century, "was driven be unmerciful tempest nocht far frae Norroway with incredible danger. Finally, when he had made ane voit to big ane kirk to the honour of the Virgin Mary gif he war fortunate to escape the danger of seas, he arrivit in Tay beside Dunde not far frae Sanct Nicholas' Chapel, but ony rudder or tackle, and gave thanks to God and the blessit Virgin for delivering of him frae sic extreme peril. The place quhair he arrivit was callit Alectum; but, efter his cumming, it changit name, and was callid [Deidonum], quhilk signifies in our langage, the Gift of God." It is singular that Bellenden has omitted the passage which follows describing the foundation of the Church. He was himself a dignitary—Archdeacon of Moray—and we can only surmise that the omission is due to jealousy at the honour conferred upon Dundee by the royal founder. The literal translation of this passage is, "As he had been rescued from imminent death by the divine mercy and brought in safety to that place. Without any delay he built a church consecrated to the holy Virgin, in the field which was called the wheat field, and made it a parish Church. From that time Dundee was considered to be under her protection, except that the greater part of the town's people resorted most to the very old Church of St. Clement, where they worshipped the Saint with holy prayers. The town, when it had the name of Alectum, was under his protection." Thereafter, Bellenden continues, "Ane convention was made at Dunde in the whilk licence was given to Earl David to big an abbey in what place he pleasit of Scotland, and dot it with lands and rents at his pleasure. King William gave mony privileges to Dunde whilks endures to thir days. David, nocht re-

fusing the benevolence of his brother, biggit ane Abbey callit Lundores efter the order of Sanct Benedict."[1] Stewart, a contemporary of Boece, who made the metrical translation of the Chronicles in 1535, before Bellenden's was printed, notices the foundation of the Church, but does not have the passage relating to St. Clement. He says that Earl David

> "Foundit ane kirk in ane field at that cost,
> Quhilk at that tyme wes callit the Quhit Cross,[2]
> In to the honour of the Virgin pure,
> Eternallie in that place till enduir."

And further on he paraphrases the passage describing the King's gifts—

> "This village dotit then hes he,
> Quhilk he foundit that callit wes Dundie;
> And mony uther privilege thame gaif,
> That neidfull wes to ony town to haif.
> Into this time remains yit to se,
> That nobill town of greit auctoritie.
> Sone efter this now that ye heir me sa,
> Of Lundoris the nobill riche Abba
> This Erle David foundit on Tay."[3]

On the whole we may reasonably accept Boece's account of the erection of St. Mary's Church, and the adoption of the Virgin as the tutelar saint of the burgh. We certainly know that the Church was held by the Earl apparently in virtue of his right as founder; for, before the end of the century, he gifted it, along with considerable endowments granted by the King, to the Abbey which he then established at Lindores on the bank of the Tay.

The chartulary of Lindores Abbey gives the earliest authentic particulars which we have regarding the history of St. Mary's Church. By the charter of foundation the Earl, amongst other endowments, granted to the Abbey the Church of Dundee with its Chapels, lands,

[1] Book XIII., chap. vii.

[2] The last words of these two lines, apparantly through an easily accounted for error in transcribing the MS., neither rhyme nor give the meaning of the original Latin. The reading should probably be—

> "Foundit ane kirk in ane field at that toft,
> Quhilk at that tyme wes callit the quhit croft."

[3] Vol. III., 53-54.

and teinds; and Pope Innocent III., by a Bull issued in 1198, confirmed these endowments, which are generally described as "the Church of Dundee and the land belonging thereto; and a toft in the burgh of Dundee free from all exaction and service."[1]

About the year 1224 Gregory, Bishop of Brechin, in whose diocese Dundee lay, "lest the pious gifts of the faithful should be disturbed," ratified the donation which his predecessors had also "made to the Abbot and monks of Lindores of the Church of Dundee, with the chapels and lands belonging thereto; conferring upon them also the full and free administration of all the revenues of the said Church, and that they, on the demise of the Vicar thereof, may lawfully present whomsoever they may think worthy of the cure of souls, assigning to him ten pounds sterling of yearly stipend, that he may minister competently and fitly in the Church; he being answerable with regard to episcopal matters both to the Bishop and his officials. Granting to the said Abbot and Convent liberty to plant schools wherever they please in the said town"—a licence which, no doubt, the monks used in founding the Grammar School which afterwards became famous. These grants by the Bishop were confirmed by Pope Gregory IX. in 1239.[2]

In 1252, the Abbot and Convent having presented William Mydford to the Vicarage of the Church of Dundee, Albin, Bishop of Brechin, admitted him under reservation to himself of the taxation of the Vicarage. "And, the revenues of the Church having been diligently considered by upright men," he ordained "that the Vicar should receive the whole altarage in name of Vicarage, rendering therefrom ten merks yearly at Easter to the Abbot and Convent." This allocation did not, however, satisfy the Vicar, and, in 1256, he complained against it to Pope Alexander IV., affirming that the Bishop had wrongously "taxed the perpetual Vicarage of the Church of St. Mary of Dundee." The Pope, however, found that he had not appealed "within the legal term," and "that what was done by the Bishop was prudently done;" and therefore confirmed the taxation. After this decision "Master William failed to pay, though frequently warned and required thereto by the Abbot and Convent.....alleging that he could not be

[1] Trans. in Laing's Lindores Abbey, 468. [2] Ibid., 470.

suitably supported on the stipend alloted to him." But when there had been much delay and legal contention, "at Perth, before the Bishop of Dunblane, he amicably gave assent for the sake of peace to the payment of ten merks from the altarage yearly; and for the payment of the arrears he bound himself by oath." As for "the expenses incurred by the Abbot and Convent in the litigation," the Bishop of Brechin ordained him to pay them "fifty merks sterling as full satisfaction." The following year the Pope issued a Bull by which, in consideration that "a portion of the revenues of the Church of Dundee is assigned to the Vicar for his maintenance, and for the payment of episcopal dues," he forbids the Bishop from exacting any thing from the portion belonging to the Abbot and Convent.[1]

History has not told us anything regarding the original Church of St. Mary—of its extent or its structure. We only know that it was not so large as the later Church, and that the great western tower formed no part of it. It was burned by Edward I. when he invaded Scotland in 1296, and when afterwards restored it was probably enlarged. In 1385, during the reign of Richard II., the English army which then ravaged Scotland, did not penetrate north of the Forth; but the chroniclers tell us that their ships went farther and laid waste the coasts of Fife; and Froissart relates that "the English burned Dundee, and spared neither monasteries nor churches, but put all to fire and flame."[2] At this time the Church appears to have been wholly destroyed except in the choir, which, there is reason to believe, had been left sufficiently entire to form part of the structure that was thereafter erected. This could not have been the case with the nave, for we have prints of the tower taken last century when it stood by itself, which show the broken arches still hanging on its side, and prove that the nave and the tower had been built at one time.

As of the earlier Church we have no records of the building of the latter, and cannot fix the time with certainty. This is, however, indicated with some precision by the character of the architecture of the great western tower—the only part of the structure then built that now remains—which is in the late decorated style prevailing in Scotland at the end of the fourteenth century, and enables us to conclude

[1] Laing's Lindores Abbey, 471-473. [2] Vol. II., 53.

that the work of restoration soon followed the destruction. It was a season of great christian liberality, and, although we cannot tell who they were that bore the cost of it, we may be satisfied that good men readily gave valuable gifts to help forward so desirable an object. Pennant, in his Tour in Scotland, describing as from Boece the foundation of the Church by the Earl of Huntingdon, says that the Earl "obtained a mandate by the Pope, still to be seen at the Vatican"—it having been "shown to Dr. William Raitt, in 1740, by the Pope's librarian—recommending, to assist in the expense, a collection throughout Christendom."[1] This mandate had in all probability been issued not at the erection of the early and lesser church, but at the later time when the greater edifice was reared, and it is likely that in consequence of the success of its appeal to christian sympathies so costly and magnificent a pile was reared.[2]

It is probable that by the end of the century the Church was rising out of the ruins, and that before the fifteenth was far advanced it had been in great part completed. The northern transept was not, however, erected until toward the end of that century. The square tower, which happily yet remains so magnificent in the massive simplicity of its bulk, so beautiful in the decorations of its parapets and windows, so solemnly grand and delicately graceful, enables us to judge that the Church, of which it formed part, had been a goodly house well fitted for pious altar service and for reverent ritual. As originally built the tower was surmounted by arches of stone, which no doubt gave it a more imposing appearance than it now presents. This crowning structure remained entire until 1547, when the English recklessly destroyed it by setting fire to the timber floors underneath.

The monks of Lindores may have assisted in restoring the Church, but we certainly find them at the time this was done applying some

[1] Vol. III., 125.

[2] Judging that the mandate referred to would be a document of much historical interest, I entered into correspondence with Mr W. Bliss, who for some time has been making researches among the MSS. in the Vatican library, and desired him to look for it among those belonging to the last fifteen years of the fourteenth century. This he courteously expressed his willingness to do, but found there was such a mass of documents that he felt the search would be hopeless unless the time could be fixed more closely.

of the revenues they derived from Dundee toward maintaining their own comfortable house. In 1392, having obtained an advance of money from David Aberkerdor, burgess of Dundee, for the reparation of their monastery, they gave him in pledge certain of their Dundee rents—"namely, from the land of Patrick the butcher and Michael of Mane, twenty shillings, from the land of Richard the clerk, twenty shillings, from" his own "land, twenty shillings, from the land of the late Thomas Warderon, thirteen shillings fourpence, and from the land of the late Adam Bane, twenty shillings, to be held under reversion for forty merks payable in the Church of St. Mary of Dundee."[1]

Before the fifteenth century was far advanced the choir of the Church, which it was the duty of the monks to maintain, had become very dilapidated—a proof that it had not been rebuilt along with the rest of the structure—and such misappropriations of the revenues as above noticed continuing, there ensued "frequent and earnest complaints" against the Abbot and Convent by the Council and Community of Dundee regarding their neglect of the choir, which had become decayed; and this caused "very great discord, contention, and altercation" that "endured for many years without agreement." At length, in 1442-3, an indenture was made between the Council and the Abbot whereby the former agreed "to undertake the sole burden of constructing, sustaining, reforming, and repairing the choir in its walls, windows, pillars, window-glass, wood-work, roof and covering as well above as below; as also the vestments, books, chalices, palls, and cloths of the Great altar, and other ornaments belonging to the choir;" and the Abbot and Convent in return granted certain of their rents within the burgh to the Council,—"namely, from the tenement of Thomas de Spalding and David de Spalding, twenty shillings, from the tenement of Walter de Aberkerder, which lies in the Market Street, twenty shillings, from the tenement of Robert Bane lying in the Flukergait, twenty shillings, and from the field lands which belong to the burgh roods of Nicholas Elye—which lands are held in fee and heritage of the [Abbot and Convent], and lie on the south side of Ergailisgait, and extend towards the south from

[1] Laing's Lindores Abbey, 478.

the Cross which is vulgarly called the Hedyne Cross[1] down to the sea."[2] The rental roll of the Abbey shows that at this time "the teind silver of the Kirk of Dundee amounted to two hundred pounds."[3]

After this arrangement was made, the Council appear to have thoroughly restored the choir, and, by 1461, we find them making provision for covering its roof with lead. "George of Spaldyng has given a brew led to the thekyn of the queir;" and thereafter, for a considerable time, the payments made for "lairs in the Kirk" are applied "for lead till theik the queir." Some burgesses paid for their burial places by doing work for internal fittings. One man obtained his lair for "timmer given till Our Lady;" another "for the lathin of the queir;" and a third "for his bounty in mending of the glassin windows." After the choir was restored, and before the end of the century, the Church was altogether completed by the erection of the northern transept. It was covered with a common roof, and we find that the payments received for lairs were at that time applied "to the red of the rufe of the new ile," and also "to buy lead to mend the adornment of the Cros Kirk." When completed, the length of the building from the western door in the tower to the east end of the choir was two hundred and eighty-six feet, and from north to south over the transepts, one hundred and seventy-four feet.

It was a common practice to appropriate fines for the reparation of the Church. In 1522, when two skippers were convicted for ladening their boats with wheat of purpose to carry it off to Leith, they were ordained "to pay ilk ane a boatful of stanes," probably from Kingoodie, "till Our Lady," and "ony that beis faltour herefter" to pay forty shillings "till Our Lady werk." The maintenance of the Church was reckoned a public object. In 1526, David, Earl of Crawford, and his son, became bound not to hurt or molest John, Lord Glammis, under a penalty of 6000 merks, 2000 of them to be paid "for the reparation of the Kirk of Dundee."[4]

A mason appears to have been permanently employed in attending

[1] The Heading Cross, where the decapitation of offenders had taken place, appears to have stood in Argylesgait upon the slope of the Corbie Hill.

[2] Hay's Charters of the Burgh, 19.

[3] Laing's Lindores Abbey, 415.

[4] MS. Acta Dominorum Concilii, Vol. XXXVI. fol. 149.

to the "Kirk wark." In 1536 "the Council and the Kirkmaister of the paroch Kirk of Our Lady feeit George Boiss, mason, for all the days of his lifetime to lawbour at the mason craft, the best and craftiast that he can or may, at the Kirk werk or the common werks." His hours of work to be "at the samyn times as the auld use and consuetude of Our Lady Luge of Dundee had and usit," and to keep holiday on all the fast days of the Church. For payment George was to have yearly twenty-four pounds, to be paid "beforehand efter the use of our Lady Luge—that is to say three pounds ilk half quarter." And "gif it happens [him] to tak infirmitie or seikness, and lies thereintil over the space of forty days, in that case his fee sall be payit to him thae forty days, and nae mair till he be at the werk again."[1]

It is evident that the tower of the Church has not been originally intended to contain a clock, seeing that no suitable central positions have been designed for dials—these, until a recent time, having been placed against windows on the east and west. On the east side of the tower, under the lower parapet and above the roof of the nave, there is a doorway through the wall having round it four projecting stones, two beneath and one on each side, an arrangement which has been a puzzle to architects. Sir Gilbert Scott, on looking at the stones, found that they corresponded to others which he had seen in church towers, and this enabled him to arrive at the conclusion that they were for the purpose of carrying a vertical sundial, to which the door would give access. The position is out of the afternoon sunshine, and the dial would only indicate early hours, but it is probable that there had been another on the south side. The sundials had not, however, been for long the only timekeepers, for before the elapse of many years after the erection of the tower, a clock was placed within it which struck the hours for service, and had, by 1540, become so worn and untrustworthy that the Council entered into a contract with "William Purves, burgess of Edinburgh, knokmaker," for the construction of another in its place.

By this contract it was agreed "that William suld mak ane sufficient and substantious knok, with all instruments of irne werk necessar

[1] MS. in burgh archives.

and perteining thereto, justly ganging to strike hour and half hour complete and justlie the twenty-four hours day and nicht; with three warnings to contene six score and nine straiks, the first at four hours in the morning, the next at twelve hours at noon, and the third at nine hours at even[1] upon the five bells in the steeple," for the sum of "seven score and seventeen pounds ten shillings, safe and just calculation, with ane bounteth." The weight to be "four score of stanes or thereby, and gif it happens the knok to weigh ten stanes mair or less, what sho weighit mair to be payit to William, and what sho weighit less to be defalkit to him." Thereafter he "made the knok justlie ganging and striking, and set up the samin in their steeple at Palm Sunday the year of God 1543, weighing of wrocht werk, through her proportion and substantiousness, one hundred and thirteen stanes." For the extra weight he claimed payment at the contract rate, but this the Council refused to pay, and gave him a sum to account. After considerable delay, caused, we may conclude, by the great plague which ravaged Dundee in 1544-5, he, in 1546, raised an action against them before the Lords of Council and Session concluding for the whole of his claim, and alleging that "James Scrymgeour, Constable and Provost of Dundee, efter the making of the contract bade him mak the knok gude and substantious, and whatever sho weighit or drew abone the contract suld be weill payit;" and that the clock being "proportionally forgit, through her substantiousness is wrocht and made to their utilite, profit, and common weill." He besides alleged that until the clock "wes completit and set up he gart thair auld knok in the steeple strike hours [for] service and keep gude rule." The Lords of Council having heard the parties decerned that the Town Council pay William the sum of one hundred and ninety-seven pounds fifteen shillings, which was equal to a deduction of ten stones off the gross weight.[2]

[1] These were the times of matins, mass, and evensong.

[2] MS. Acta Dominorum Concilii et Sessionis, Vol. XX. fol. 111, and Vol. XXIII. fol. 20.

CHAPTER II.

ST. MARY'S CHURCH (CONTINUED).

The High Altar dedicated to the Virgin—The Chantry formed of the Chaplains of St. George's, St. Leonard's, and All Saints' Altars—The Altars of St. Salvator, St. Michael, St. Margaret and St. Thomas, St. Stephen, The Holy Cross, The Haly Blude, St. Severus, St. Duthac, St. Cuthbert, St. Mark, St. Katherine, St. James, St. Monan, St. Columba, The Three Kings of Cologne, St. John, and St. Andrew—Other Altars.

THE HIGH ALTAR.—In the Church there were many altars, some of them being well provided with endowments for the ministering chaplains, and lavishly furnished with all the magnificent accessories for ritualistic service. The High altar, which stood in the centre of the raised floor of the chancel, was dedicated, as was the Church itself, to St. Mary. Its endowments were provided by the Abbot and Convent of Lindores out of the teinds which they derived from the burgh, and these were supplemented by others from the Town Council, amongst them being a tax on those renting the small customs, an assize boll of salt on each cargo imported, a portion of the fines imposed on those committing troublance, and a share in any wreckage cast up by the sea. This altar, at which the Vicar was principal ministrant, was richly provided with plate, hangings, and vestments. From an inventory of church ornaments made by order of Provost Fothringame in 1454, we find that among other furnishings it had, "Twa missals, ane auld and ane given be Maister Richarde of Crag, [the late Vicar], a chalice of silver our-gilt, with a crystal stane in the midst, and has thereto a spune of silver, and a censar of silver with ane schip of brass;" "three lang towals for the altar—ane with a frontal of blue claith of gold, and ane other of red and diverse colours, a vail for the lentrine, a water claith to hing before the Hie altar, twa claiths for the sepulture, a claith of arras for to sit on, and twa cods of silk;" "a stand of vestments of claith of gold, with tonakils,

albs, and the lave perteining thereto, a vestment given be umquhile Gib Scot, with the tonakil, a cape of green colour of auld to the chantors of the quere, a vestment of red colour, with the alb and the graith perteining thereto, and a white cape for the Vicar."

After the Council undertook the maintenance of the choir, some of the burgesses made liberal additions to the decorations of this altar. At an early time Thom of Carnkors presented "twa chandillars to the Hie altar," and the Spaldings became munificient donors. In 1482 Isabella, the relict of David Spalding, gifted "four pounds ten ounces troy weight of good silver for making a cross for the use of the Church." In 1495, George of Spalding, her son, "in the honour and loving of God Almighty and of the blessed Virgin Mary and all the sancts of heaven," gave to the Council "till adorn and honour Our Lady Kirk, ane gryt bell;" also "ane eucharist of silver our-gilt, ane silver chalice our-gilt, ane new mess buke, ane new war stall to keep the vestments of the Hie altar in till, ane gryt kist, and twenty shillings of annual rent.....the buke and chalice to serve the Lady priest of the Kirk that beis for the time daily at the Lady mess at the altar." For these gifts and George's "gude will," the Council agreed that he and his wife shall "have their lairs in the queir of the Kirk under the farrest gree[1] before the Hye altar, whair the Epistle is singing of the hye mess;" and took upon them to have all obsequies done at their graves, "as they will answer till the hyest judge."[2]

At a time when the delivery of securities and the payment of money or the exaction of penalties needed to be solemnly witnessed, such transactions often took place in great churches; and we find that they were frequently done at the High altar of St. Mary's Church. In 1464, Sir Thomas Maul of Panmure became bound to his uncle, Andrew, Lord Gray, that if impediment were made in receiving him [the uncle] to be tenant of the two part lands of Skethin, then "I sall pay to my said eme upon the Hye altar of Dundee, togidder and at ance, upon a day betwix the sun rising and ganging to rest of the samin, the soum of seven hundred merks;"[3] and a few years later he agreed that if William of Liddale received interruption in the posses-

[1] The outmost step.

[2] MS. indenture in burgh archives.

[3] Registrum de Panmure, II. 242.

sion of the lands of Panlathy, then "I sall pay really and with effect upon the Hye altar of the paroch Kirk of Dundee, the soum of five hundred merks, all black money excludit frae payment."[1] In 1520, Mr Harrie Routh, Vicar of Monikie, became bound "that whenever James Carnegy pays to me togidder and at ance, upon the Hie altar within the Kirk of Dundee, the soum of ten score of merks, and ane sufficient letter of tack made to me that I may peaceably joiss the half lands of Carnegy for seven years for aucht merks of mail, then I sall incontinent deliver all and haill the foresaid half lands till James."[2]

The Lindsays, Earls of Crawford, who held lands in and near Dundee, were associated with the burgh in several important incidents connected with their family history, and on one occasion we find two of them executing a bond for the resignation of the lands on the payment of a sum of money at St. Mary's High altar. Besides their castles in the shire, they had in the burgh a mansion which stood between the Church and the river, and was variously designated "The Earl's Lodging," "The Earl's Palace," and "The Earl's Inns." Portions of the ruins of this house remained till the end of last century, but we know no more regarding it than that it was a great manor place, and that it contained a Chapel dedicated to St. Michael. It is referred to as having been in possession of the Good Countess of Crawford at her death in 1578, when she left it, together with "the plenishing and furniture therein," to her son John, and bequeathed legacies to the Hospital of Dundee, and to "her gentlemen and gentlewomen."[3] This house and their near territorial possessions gave the Crawfords considerable influence and interest in Dundee, and we find some of them filling the office of its Provost, and endowing altars within its churches. The family burial place, as we shall see, was for long in the Greyfriars Church, and after the Reformation, when that church was destroyed, in "the old Church of Dundee opposite to the credence table where the principal altar stood."[4]

The Crawfords were a rude and lawless race. David, the eighth Earl, had in his youth been suspected of compassing the death of his

[1] Registrum de Panmure, II. 246.
[2] Ibid., II. 293.
[3] Lives of the Lindsays, I. 337.
[4] Ibid., I. 111.

relative Lord Lindsay, and, in 1512, twenty-three years thereafter, he was charged to appear before the King's Justiciary "at the next Justice-ayre held at Dundee, to underlie the law for the said crime." He did not, however, compear, and, in July 1513, he was denounced as the King's rebel.[1] But no further process took place, for the Battle of Flodden, which immediately followed, paralysed for the time all order of law. He succeeded to the Earldom in 1517, and appears to have performed decorously the duties of his station; although we find him a few years later, along with James Kinloch, in a rather questionable manner depriving a Perth burgess of a piece of artillery. He did not, however, have a peaceful or a happy life, for his son, the Master of Crawford, became notorious for his wickedness, and was so lost to natural affection as to imprison his father in his own dungeon, and even to premeditate his murder. For these crimes the Master was arraigned at a Justice-ayre held at Dundee in 1531, and, on his confession of these offences, was declared to have forfeited his right of succession to the estates. In March 1537, at the third hour after noon, he publicly admitted that he had "sinned grievously and enormously," and stretching out his right hand renounced "all right of sucession, in presence of his unhappy parent, in the public street between the Chapel of St. John and the houses of the lepers at the east end of the burgh of Dundee."[2] A few years after this the Wicked Master, as he became named, was ignominiously "stickit by a souter of Dundee for taking a stoup of drink from him;" and the broken-hearted father died in 1542, having first acknowledged his relative David Lindsay of Edzell as heir to the title and estates, in exclusion of his own grandson. This David, the ninth Earl, being a man of generous impulses, resolved that his own children should not enter upon this inheritance, and he adopted the son of the Wicked Master as his own, and as heir to the Crawford lands.[3] The young Master had, however, inherited a part of his father's evil nature, and, in 1546, probably to condone some offence, he entered into a bond

[1] Lives of the Lindsays, I. 170.

[2] Ibid., I. 195. The Chapel of St. John, otherwise the Ruid Chapel, stood on the south of the Rood Yard. The leper house was westward on the river bank near to the lodges for the plague stricken.

[3] Ibid., I. 200.

with the Earl by which he made faith for not committing such crimes as his father had done; and if he failed in doing his duty faithfully, then, on the Earl paying "to me upon ane day betwix the sun rising and passing down of the samyn, haill and togidder in numerit money, upon the Hie altar within the paroch Kirk of Dundee, upon forty days warning as use is, the soum of twa thousand pounds, to resign and overgive" all title to the lands of Crawford; "and I and my heirs frae thinefurth to be secludit therefrae for our ingratitude for ever."[1] The master did prove ungrateful, for he turned out to be almost as wicked a man as his father had been; nevertheless he did not resign his title to the lands, but became the tenth Earl in 1558.

The magistrates occasionally punished offenders by causing them 1520-3.
to make reparation before the High altar, and offer wax candles for its light. Andro Walcar for troublance committed in the kirkyard, is ordained "to come on Sunday next before the hie mess, when the priests join in the procession, and offer a candle of a pund of wax, and ask the Bailies' forgiveness." He, however, failed "in fulfilling of the mends," and is thereafter ordered to offer "twa pund wax next Sunday," and, "gif he fails thereintil, aye to double and treble ilk Sunday till he fulfil it." A brawl having taken place on the Market Gait, Sande Leg, who had been forward in it, is adjudged "to offer a candle of wax till Our Lady, and, gif he fails, to double the next Sunday, and gif he fails therefter, or wears headpiece or swerd on the Hie Gait, to be banishit the town." While two others who had been in the combat, grant that if in time to come they "provoke other in despiteful way of troublance, the faltour shall pay a stane of wax till Our Lady Licht." Jonet Husband having engaged herself as a servant to two different persons for the same time, the Bailies decern that her fee "of five shillings, an apron, and a pair of shoon" shall be paid by the one whom she serves to the other whom she does not serve, "and, at his will, given till Our Lady."

Sometimes the penance was made in circumstances of mortifying contumely. Willy Marshal for "inobedience done to the Bailies," and not paying the King's Tax, is ordained to come to the Kirk "on

[1] Lives of the Lindsays, I. 465.

Sunday before the time of the hie mess in sark and gown, barefute and bareheid, with a candle of a pund of wax, and ask the Bailies forgiveness, and offer the candle where they ordain him. And gif he fails, to come the next Sunday with a candle of four pund. And gif he fails the third Sunday, to pay a stane of wax till Our Lady, with that punishing." Reche Crag having threatened the officers with a dirk, "he confessit the fault," and is ordered to come on Sunday "barefute and bareleg in time of the hie mess, and the knife drawn in his hand be the point," and "on his knees, ask the Provost forgiveness, and give [him] the knife to be put up whair he pleases. And gif he fulfils nocht this mends, to pay half a stane of wax till Our Lady Licht." John Galloway for mispersoning the Provost is ordained "to come in time of the hie mess in linen claiths, barefute and bareleg, and a candle of a pund of wax in his hand, and offer it to the Provost, and ask him forgiveness. The candle to be given till Our Lady." Lowre Ramsay and John Weir, his gude-son, "for their deforcing our officers, are adjudgit to come on Sunday to the Kirk in their linen claiths, barefute and bareheid, ilk of them having ane wax candle of ane pund wecht; and John to bring his whinger be the point in presence of the Provost or Bailies there present, and ask the officers' forgiveness, and deliver the wax till our Lady licht. And the whinger to be put up in the tolbuith in ane iron staple in example of others."

The Chantry was formed of the priests who ministered at the altars of St. George the Martyr, St. Leonard the Confessor, and All Saints, who joined together in choral service as chaplains of the Choir. Hector Boece has related the traditional circumstances of the foundation of St. George's altar. He tells us that, in 1390, Sir David Lindsay, afterwards Earl of Crawford, challenged Lord Welles, a valiant English knight, to an "honourable tournament for defence of their honour and glory in arms." The challenge was accepted, and "Lord Welles chesit the Brig of London for the place, and Earl David chesit Sanct George's day for the time. On the appointed day, "baith the parties wer convoyit to the Brig, [and] be sound of trumpet they ran hastelie togidder on their barbit coursers

.....In the third rink Lord Welles was dung out of the saddle with sic violence that he fell to the ground with great displeasure of Englishmen.....And because Earl David vanquished Lord Welles upon Sanct George's day, he foundit seven priests to sing for him in Our Lady Kirk of Dundee, in honour of Sanct George."[1]

We learn the particulars regarding the foundation of some of these endowments from the Brechin Register. In 1406, Earl David, with consent of his eldest son, Alexander de Lindsay, erected "a Chaplainry for the celebration of divine worship for ever in the parish Church of the blessed Mary of Dundee;" endowing it with twelve merks annual-rent from the lands of Abirbothry in Perthshire, and ordaining that the chaplain to be appointed "who shall daily say matins, mass, vespers, and all the hours," shall "also say a requiem mass at the altar of the blessed George the Martyr, founded for the weal of my soul and of all souls in the Church of Dundee, at nine hours daily." At the same time the Earl founded three other Chaplainries for the same altar in similar terms; endowing each with twelve merks annual-rent, one payable from the lands of Balgay and Megginch, another from the lands of Dunfin and Dounie, and the third from the lands of Kyrkton and Haltoun in the barony of Inverarity.[2] These endowments were subsequently confirmed by Regent Albany. The Earl further endowed the Chantry and altar with forty merks of annual-rent payable out of his house in Dundee.

In 1429, Earl Alexander, the son of David, founded another Chaplainry in the Choir, for the weal of the souls of himself and Marjorie his wife, and "for the weal of our most excellent prince and lord, James, by the grace of God, King of Scots, and the illustrious Joanna, his Queen;" endowing it with twelve merks annual-rent from the lands of Wester Brichty in the barony of Kynblathmont. The chaplain "to celebrate worship for ever at the altar of the blessed George the Martyr, Leonard the Confessor, and All Saints;" and, alternately "with the celebrant and other chaplains endowed by my ancestors, say daily a requiem mass for the the dead at the said altar;" and, "on Sundays and Feast days—the other chaplains helping"—

[1] Bellenden, Book XVI., chap x. [2] Reg. Epis. Brechin, II. 10.

celebrate a mass "with all appointed Psalms."[1] This endowment, at the time of its grant, was confirmed by James I.

About the middle of the fifteenth century the Lands of Wester Brichty, from whence the above annual was derived, were sold to the Fotheringhams of Powrie; and, after some time, a dispute arose regarding the amount payable to the altar, which had somehow become reduced to ten merks. In 1510, upon the complaint of David Bell, one of the chaplains, the matter was submitted to the arbitration of "Hugh Spens, Professor of sacred theology and principal official of St. Andrews;" and he decided that Thomas Fotheringham must pay up the arrears from the time of his father's death, "and twelve merks annually in future in terms of the mortification."[2]

The lands from whence another of the seven Crawford Chaplainries was endowed had also been disposed of; for, in 1597, when the Earl obtained confirmation of "the right of patronage of St. George the Martyr and All Hallow [or All Saints] Chaplainries founded within the parish Kirk of Dundee," the number of chaplains was only five.[3]

Besides the original endowments of the Chantry, it derived annual-rents amounting to over one hundred and ten pounds from properties within the burgh. One of these was specially paid to the priest of All Hallow altar, but the others went to the whole of the chaplains, who were usually designated "Choristers of the queir." These rents were generally in small sums. In 1505, "ane discreet man, Maister Alexr Gardine, Vicar of the Mains, resignit and ourgave to the choristers of the queir twelve shillings of annual off ane tenement at the south side of the Murraygate."

St. Salvator's Altar.—This altar was founded by Patrick of Inverpefir, burgess of Dundee, and endowed by him at his death, in 1391, with the "third part of the lands of the Milton of Craigie, and the third part of the lands of Westfield of Dundee," the superiority of which "Sir James Scrymgeour, Constable, purely and simply resigned;" the lands to be holden and kept for said Altar and Chaplainry for maintaining it at now and hereafter, service for the

[1] Reg. Epis. Brechin, II. 20. [2] Ibid., II. 162. [3] Ibid., II. 372.

soul of Patrick, for pure and perpetual charity." Robert III. confirmed the endowment, and granted that the celebration at the altar "of masses and religious ceremonies for Patrick," shall be held to be "in full for all other secular service;" and gave to the nephew of Patrick and his heirs, "and, whom failing, to the Provost of Dundee and twelve honest men of his Council, the right of patronage of the said altar."[1]

After the foul murder of the Duke of Rothesay, Robert's eldest son, at Falkland in 1402, the King "for the weal of the soul of our whilom first born David, also for our own soul and those of all our predecessors and successors.....granted to God and the blessed Mary, and to the altar of St. Salvador in the Parish Church of Dundee, and to the chaplain there celebrating for our son, a hundred shillings sterling yearly from our great Customs of Dundee for ever, in pure and perpetual alms-gift;" giving "to the Alderman and Council of Dundee the right of patronage of the rent and chaplain;" and instructing them "to see that the soul of our son and the souls of those for whose weal we have offered be not defrauded of due service."[2]

The portion of the lands of the Westfield with which the altar was endowed, is described in a feu charter granted by John Wilsoun, the last chaplain, and confirmed in 1586, as lying between the lands of the Constable on the north, the river on the south, the lands of John Blair on the west, and the meadow of Robert Mylne and the acres of the late Friars on the east;[3] and may be identified as lying on the west side of North and South Tay Streets—the Friar's acres, the eastern boundary of the south portion, being the lands of the Black Friars, which, with the Monastery, lay between the latter street and Seres or Long Wynd. A number of the altar rents were derived from annuals on houses in St. Salvator's Close—a narrow entry stretching northward from Argylesgait to the Grayfriar's yards. Others were from houses farther west, one being derived from St. Michael's land, the birthplace of the famous brothers Wedderburn, which stood on the east side of the north-west Kirk Stile.

[1] Hay's Charters of the Burgh, 15.
[2] Ibid., 26.
[3] Reg. Epis. Brechin, II. 354.

THE ALTAR OF ST. MICHAEL THE ARCHANGEL.—This was an old foundation. The first notice we find of it occurs in 1438, when Mr John Wrycht, the chaplain, "with the consent and assent of David of Abirkerdor, Provost.....and the whole Council of Dundee, patrons of the Chaplainry, set in feu ferme to Finlay of Ferne, burgess of the burgh, a tenement in Argylesgait on the north side," to be held of the chaplain and his successors "for payment of the ferme due and wont to the King, five shillings to the Monastery of Lindores, and forty-five shillings yearly to Mr John and his successors."[1]

We find that this, as one of the principal altars in the Church, was chosen in 1526 as a place for redemption and delivery of lands. James Fleschour, burgess of Dundee, and Jonet Rollok, his spouse, grant to redeliver to Robert Maule of Panmure the lands of Moredrome, which he had analeit, when "Robert pays and delivers to us upon ane day betwix the sun rising and ganging to rest of the samyn, upon Sanct Michael's altar within the paroch Kirk of Our Lady of Dundee, the soume of twa hundred merks in gold alanerly, usual of Scotland, and having richt course and passage for the time, haill unsowdit,[2] but crack or flaw, all gudling[3] gold secludit;" and if "we wilfully absent us frae the ressait of the said soum, it shall be lawful to Robert to put the twa hundred merks in the common kist of the burgh, there to be keepit to the utilitie of us, and frae thinefurth Robert till have free regress to the said lands."[4]

THE ALTARS OF ST. MARGARET THE VIRGIN AND ST. THOMAS THE APOSTLE.—There was not in the old burgh a family more distinguished for liberality to the Church and its altars than the Spaldings. We have seen that toward the end of the fifteenth century, George gave valuable gifts to the High altar, as his mother Isabella in her widowhood had also done, and we now notice that her husband made an endowment for the support of St. Margaret's altar and the reparation of the choir. In 1471, David Spalding grants "to the Abbot and Convent of Lindores, for the welfare of my soul and the soul of Isabell my wife, a tenement of land in the Market Street of Dundee; also an

[1] MS. in Linlithgow burgh archives.
[2] Not mended.
[3] Foreign.
[4] Registrum de Panmure, II. 303.

annual-rent of thirty shillings from the toft of the Abbot and Convent of Abirbrothok" on the east side of Spalding's Wynd, "to be held in perpetual charity for payment yearly to the altar of St. Margaret the Virgin, founded within the parish Church of Dundee behind the High altar, of three pounds six shillings eightpence, and twenty shillings for the repair of the choir."[1]

It appears from the Burgh Court records that for some time St. Margaret's altar had been displaced, and that its services were performed at St. Michael's. A new altar was, however, erected for it and St. Thomas'—the two having been combined. "The Council grantit licence and privilege to David Rollok of Bello and his heirs, whilk has made ane new infeftment of Sanct Thomas the Apostle and Sanct Margaret the Virgin at Sanct Michael's altar within the paroch Kirk, that what time they please and get a room within the Kirk competent to have ane altar, to remove all graith and adornments now brocht and to be brocht to Sanct Michael's altar to the altar to be biggit; and that the bred[2] sall gang to procure offerings to Sanct Thomas and Sanct Margaret when [their] days come." The proposed altar was subsequently erected, for, in 1553, there were separate chaplains ministering at the altars of St. Michael and St. Thomas the Apostle; and up to the time of the Reformation the latter received the feu mails of the Temple lands of Kettins. A house called St. Thomas' land stood near the west end of Fish Street, and another on the north side of the Market Gait "foranent the Cross."

1521. Dec. 11.

St. Stephen's Altar.—This altar was also a place beside which important transactions had been made. We find that, in 1427, an instrument was written before it by which Sir Thomas Maul of Panmure discharged Sir Andrew Gray, knight, of Fowlis, his grandfather, of all sums due to him through his marriage.[3] The collection of its rents appears to have sometimes been troublesome. Henry Strathachine having failed to produce "his relief of the feu awing to Sir John Burrall, chaplain to Sanct Stephen's Chaplainry, the Bailies adjudgit him to pay all terms sae lang as he hes occupyit the tenement

1553. July 18.

[1] Laing's Lindores Abbey, 484.

[2] The vessel for offerings in the Kirk.

[3] Registrum de Panmure, II. 195.

perteining to the Chaplainry." Some rents were payable by the Scrymgeours. The following year, Thomas Duncan in Athebaton, became security for the payment of eight merks and a half of arrears due to Sir John for St. Stephen's Chaplainry, by Marion Wardlaw, Lady of Dudhope.

Of the few altar rents which yet continue to be paid to the town chamberlain, the most important is one of small amount for the altar of St. Stephen the Martyr.

The Rood Altar.—The altar of St. Crucis or The Holy Cross, commonly called The Rood, had been an early foundation. The inventory of 1454, shows that it was well provided with fitting accessories for the performance of divine service, and with adornments of some splendour. It had "A missal claspit with silver, and a psalter coverit with a selch skin, a silver chalice with a paten gilt, a crowat and a pax bred of silver, a gold ring and three stanes set in silver, twa little chandilers and a meikle chandiler." Its vestments were "Twa albs, twa chesipills with stolis, phanonis, amytis, and belts thereto; with twa lang towalls for the altar;" and there was "a lang saddill[1] standing at the altar end."

1553-4. Jan. 9. The right of presentation to the chaplainry was vested in the Town Council. "Charles Rollok purely and simply renouncit and demittit all richt, claim, and title whilk he hes, had, or may have in and to the Ruid benefice, into the hands of the Provost in favour or Sir Thomas Ducher, chaplain. Whairupon Sir Thomas askit act, and the common seal thereupon." By this time the position and rights of churchmen were not so readily recognised as they used to be, and Sir Thomas, who already held two benefices, experienced some difficulty in collecting the rents of this. "Baillie George Wyshart examinate in presence of the Provost, Sir William Luyde, curate of Dundee, and Maister Andro Cowper, Maister James Scrymgeour, and Sir James Young, chaplains, wha, being sworn, deponit that Sir Robert Gray and Sir George Gray, his brother, [former] chaplains of the Ruid altar in the Kirk, receivit yearly of William Quhitted's mill in the Mains

[1] Settle.

of Erlis Stradichty, twenty six shillings eight pence. Whairupon Sir Thomas askit act."[1]

After this an inspection was ordered to be made of "the mortifications and evidents of the Ruid Chaplainry lying in the common kist," and these having substantiated the claims of the chaplain, he used legal diligence against "the land callit the Ruid land lying at the sea side near by the windmill, betwix Spalding's Wynd at the west, and Sanct Thomas' land at the east," from whence the greater part of the Rood rent was derived; and the officer having "searchit and socht gif he could apprehend ony guids strenzeable for an annual-rent of fourteen merks, awing [for four years], furth of the land to Sir Thomas, as ane part of the patrimony of his Chaplainry," no such goods were found; "and the officer presentit erd and stane in ane pocket, for the second court of recognition." 1558. Oct. 3.

THE HALY BLUDE ALTAR.—In 1515, the Guild of merchants, with the consent and authorisation of the Town Council, agreed to erect an altar "in the south aisle of the paroch Kirk," to "the loving of God Almighty, and of [Christ's] precious blood, and to his blessed mother the Virgin Mary;" and to appoint "ane chaplain daily to sing and say divine service there, and for singing mess solemnly ilk Thursday in honour of the Haly Blude of our Lord Jesus Christ—continually to be singing at the said altar." To provide for "the reparation of the altar and uphald of the service," the merchants were empowered to choose a Dean having authority to exact certain duties on all goods exported beyond sea, to tax all merchants setting up booths or beginning business, and to exact fines from those encroaching on the "Hie Mercat Gait with their guids." Besides these sources of income the charter provided that a collection of offerings be uplifted before the altar at the weekly mass, by those brethren whom the Dean should select, "and gif ony of them be [warned] to gang with the Haly Blude bred and disobeys, he sall

[1] Whittet's mill, afterwards called the Mid mill, was acquired by the burgh from David Graham of Fintrey in 1621, and was used for a considerable time as one of the common corn mills. It now forms part of the Dundee bleachfield works, the proprietors of which still pay an annual-rent for the Rood altar to the town chamberlain.

pay two shillings for the disobeying." This charter was confirmed by James V. in 1526."[1]

These various payments for the support of the altar were rigourously exacted; but young merchants, not being householders, obtained
1523. July 16. exemption from them. "The Council ordainit to ger give again to Andro Henderson his gear that was tane be the collector of the Haly Blude silver and be the small customars, because they find he suld nocht pay nae sic duties as lang as he is under his father's buird and ward." It was not until the time of the Reformation that unmarried men were made liable for the payment of ordinary taxation. "The Bailies, with avise of the Council and Communitie present, hes ordainit in all time coming that young men being in their father's houses, or servants serving their maisters, that hes ony guids or gear of their awn be stentit in ilk taxation according to their substance."

1520-3. Some of the Guild brethren would not gather the offerings in the Church. "John Cowper is amerciate for the refusing to pass with the Haly Blude bred, he being warnit be the chaplain, and is ordainit to pay a pund of wax to the altar, and upset the skaith of the bred" —that is make good the collection that was wanting; and James Man "for the wrangouslie denying to pass with the Haly Blude bred," is ordained "to pay six shillings three pence [for] the offering as the Thursday was last before."

There appears to have been only one annual-rent exigible from property to this altar, but the house belonged to an obdurate woman who refused to pay, and baffled the collector until he took legal measures for its recovery. David Rollok came before the Council and showed "that there was nae guids strenzeable upon the ground of Male Carmanoch's land lying on the east side of the Wellgait, for three terms annual bygane awing to the Haly Blude altar—ten shillings at the term—and he presentit erd and stane of the land in default of payment, for the first presentance."

The crafts at an early time disputed the right of the Council to grant to the Guild the charter under which the altar was endowed, and the Guild in return took exception to some of their privileges. These questions caused much contention, and ultimately, in 1527,

[1] Thomson's Hist. of Dundee, 1842, App. 12.

they were taken to Edinburgh before the newly instituted High Court of Justice, which named as arbiters Andrew Barry, burgess of Dundee, and Mr. John Barry, vicar of Dundee, for the merchants; and Mr. James Scrymgeour, parson of Glastre, and Mr. George Fernie, chantor of Brechin, for the craftsmen, with Mr. William Meldrum, Archdean of Dunkeld, as oversman, to determine "anent the common seal of the burgh grantit to the merchants anent the using of the office of collectory of the Haly Blude without consent of the craftsmen; and also anent diverse common seals grantit to the craftsmen without avise of the merchants; and anent all other actions, querrels, and questions debateable betwixt the parties."[1] We do not hear further regarding these disputes, but may conclude that they were effectually settled by recognition of the Guildry rights.

The Altar of St. Severus or Serf.—This altar was founded by the craft of brabiners or weavers whose occupation, from an early time, was the principal industry of the burgh. In 1492, the deacon and brethren having "declared that they had an intention, in respect of the growth of grace and for the honour of St. Severus, the Bishop, their patron Saint, to found a Chaplainry beside the altar of the blessed Magnus the Martyr, lately founded by Robert and Thomas Seres on the north side of the choir of the parish Church," they "requested Robert and Thomas to grant certification that neither they nor their sucessors should remove the same," and this they accordingly did.[2]

Thereafter, the erection having been sanctioned, the weavers made statutes "for the supplying and uphalding of divine service and reparelling of their altar of Sanct Severyne for to be foundit and uphalden be them in Our Lady Kirk, and for the governance of their werk and lawbours;" and the Council, in 1512, finding these rules to be "consonant to reason, honour, and worship to God and haly Kirk, profit for the realm, this gude town, and craftsmen," confirmed them by a charter which established the position of the craft in the burgh. By these statutes it was provided that the weavers were to occupy their craft in an orderly manner, and that the fees and

[1] MS. Acta Dominorum Concilii, Vol. XXXVII. fol. 149.

[2] Charters of the Dundee Weavers, 2.

penalties to be exacted for infringement of rules shall go "to the uphald of the altar." Morever, that "ilk man and woman that occupies the craft, and gives nocht to the priest of the altar his meat in the year as the lave does, sall pay ilk week to the altar a penny, to be gadderit by the deacon."[1]

Among the charters still in possession of the weaver craft are several confirming a grant, made in 1511, of an annual-rent of fifteen shillings payable to the altar out of the land of John Brown in the Flucargait. From the Burgh Court records we find that before many years had elapsed John was neglecting or refusing to pay this rent,

1522. July 26. and that it had to be exacted from a tenant. The deacon of the websters summarily "puindit a small comptor of Jonet Quhite's on the ground of John Brown's fore land in the Flucargait, for fifteen shillings awing to their Sanct and altar, whilk was prizit to ten shillings. Therefter it was roupit at the Cross wha wald mair give, and nae man wald give mair, and then it was deliverit to the deacon at that price."

1522-3. Mar. 4. A landward weaver having, against the rules of the craft, taken a web out of the burgh to work at his own house, the deacon took the law into his own hands and, for behoof of the altar, "puindit twa spulis[2] and four shillings belonging to Rob Nicholson of Inners, for a web taken to weave of Rob Lowson's." The Bailies would not, however, allow that this was legal, and ordered the articles to be restored "because the craft had nae richt." Some noisy recrimination had taken place at the seizure, and the weavers charged Rob with "mispersoning of them, and allegit that he callit them false." But this having been "referrit to his aith, he purgit him and was fundin quit thereof." Then, when the matter "was dischargit from the Bailies court—as an instrument in the hands of Sir James Wichthand [chaplain of St. Severus], purports"—the weavers resolved to appeal to the spiritual court for redress, and "protestit that they incur nae danger of this town gif they pursue Rob before ane [other] judge." They had not, however, proceeded far with the appeal when an arrangement was made under which the parties named arbiters to deliver upon all contentions "movit be aither on uther,

[1] Charters of the Dundee Weavers, 7. [2] Shuttles.

and in special of the Sanct Servanus guids claimit be the deacon and craft on Robert Nicholson;" and the Bailies instructed "the arbiters to convene on Sunday in the paroch Kirk or evensang time," to make an early deliverance. "And the deacon has desertit the summons to Brechin of the said Robert."

St. Duthac's Altar.—In 1516, the Town Council granted to the skinners or glovers of the burgh a charter of incorporation under which this altar was founded. By the terms of the charter the craft became bound, "in honour and loving of God Almichtie, and of the glorious Lady the Virgin Marie, and of Sanct Dutho and Sanct Martene, our patron, to the reparation of our altar within the paroch Kirk situate and placit, for the uphald of God's service daily to be done at the said altar, and to the honest sustentation of ane chaplain daily to sing and say at the said altar," to uptake from "all manner of person that occupies the craft" forty shillings, to be applied "to the uphald of the altar and service to be done at the samin—except free men's sons of the craft whilk sall pay but six shillings eight pennies."[1]

In the Burgh Court records we find some notice of a contention regarding a claim made on behalf of this altar. Jok Myll having succeeded to the business of Andro Law as a skinner and dealer in skins, he became bound to pay Andro forty shillings for the entry and the goodwill. The deacon and craft, however, claimed "the forty shillings to pertene to Sanct Dutho," and an assize found "that what time and how soon they prove this sufficiently the said soum to be deliverit to the Sanct." Thereafter Jok tried to get himself relieved from the obligation into which he had entered; and the Bailies, adopting the usual method for clearing such complications, named arbiters to "convene in the Kirk this day or the morn;" and, "gif they agree nocht the parties upon all debates betwix Andro and the craft, and anent the freeing of Jok Myll of forty shillings, and all the lave of the matter betwix the craft and Andro," to "deliver their sentence in writ betwix this and the morn or the sun gang down." 1521. Aug. 12.

[1] Warden's Burgh Laws, 407.

ST. CUTHBERT'S ALTAR.—This altar was founded and an endowment for its chaplain provided by the baxters of the burgh at an early time. From a deed executed in 1486, we learn that its appointments had been of a complete character. "The deacon of the baxter craft and the lave of the craft has bocht of the alms and duties of the craft, frae Thomas Turnour of Sanct Johnstoun, a mess buke new written and bundin, and has offerit it to Sanct Cowburts' altar, within the paroch Kirk of Dundee, there to remain for evermair; and has ordainit and decreetit amangs them that neither the said mess buke, nor the silver chalice our-gilt, the vestment of silk, the vestment of bukkasy, nor the chandillars whilk they have conquest till the said altar, be analyt, wedset, nor put away frae the said altar be the chaplain nor nane others for nae kind of necessity. And the Provost and Council has promittit to maintein and defend their gifts foresaid."[1]

The baxters appear to have chosen St. Cuthbert's chaplain annually at the same time as they appointed their deacon. The latter was made responsible for any wrong entries in their lockit book, and "gif ony beis done, he sall pay forty shillings to the uphald and repairance of Sanct Cobortt's altar." Each baxter was required to make a weekly payment for the support of the altar; and this, under the name of "Cobartt's pennies," continued to be lifted long after the time of the Reformation. In 1573, under the same designation, it was appropriated "to the brethren of the craft that be puir and laik support."[2]

ST. MARK'S ALTAR.—In 1525, the deacon and craft of the walkers or fullers of cloth entered into an obligation under which they became bound to pay certain duties, "perpetually to be liftit," to "the honour of Sanct Mark, our patron, and of haly Kirk, and to the reparation of ane altar to be biggit and reparallit before the pillar now foundit next before Sanct Michael's altar, and for the uphald of God's service daily to be done, and to the honest sustentation of ane chaplain daily to sing and say at the said altar. The whilk chaplain sall come to the festival service of the Kirk and queir in ganand[3] habit, as other crafts

[1] Burgh archives. [2] Warden's Burgh Laws, 335, 339. [3] Becoming.

chaplains does, and yearly to be feeit be us, and removit be us—his demerits requiring." For his sustentation they granted him permission to accept all funeral dues, offerings, and legacies of whatsoever kind; and became bound to pay him yearly the sum of ten merks.[1]

There was "a land perteining to St. Mark's Chaplainry on the north side of the Flukargait." At the time of the Reformation "Sir James Kinloch had in his fee the yaird callit Sanct Mark's yaird."

St. Katherine's Altar.—From the inventory of 1454 we learn that the chaplain of this altar possessed "a vestment of red colour, with its graith, a green vestment of buird alexander, with its graith, and a new vestment given be umquhile Maister Richard of Crag, Vicar, with all the graith perteining thereto;" that the altar was provided with "a frontal of claith of gold, with the towall thereto, also a red frontal, with twa towalls;" and that it had upon it "a mess buke notyt and claspit with silver;" but the other accessories were of a plainer sort, for the chalice, although it had "a spune of silver," was itself only of tin, and so were "the twa crowats." These had, however, been replaced by others of greater value; for, before the Church was pillaged by the English in 1547, the ornaments of St. Katherine's altar were carried off and hidden in a landward house, and, when they were afterwards recovered, are described as "ane chalice of silver gilt, with ane spule, and certain other gear gold and silver." 1553. Nov. 20.

Altar of St. James the Apostle.—The grant of lands with which Sir William Wallace rewarded the services of Alexander Scrymgeour in 1298, included the Westfield, which extended from the burgh westward to the barony of Blackness, and from the river northward to the burn. The eastern portion of this field was, however, at an early time, in possession of Patrick of Inverpefir, and, as we have seen, was gifted by him for the foundation of St. Salvator's altar. The western portion was similarly given by the Scrymgeours for an endowment to the altar of St. James the Apostle in the Parish Church. This latter division is described in a feu charter granted by Thomas Scrymgeour,

[1] Warden's Burgh Laws, 542.

the last chaplain, and confirmed in 1586, as bounded on the west by the Hawkhill, on the south by the sea flood, and on the north by Dudhope burn.[1] It is to be noted that although the Scrymgeours had altogether disposed of the Westfield, they still claimed the right of exercising hereditary jurisdiction over it—a claim which the Council refused to recognise. The Bailies "convict Robert Brown in the cruel hurting of Thomas Davidson, servant to John Smyth in Blackness, upon the Westfield of Dundee, and that in the head with ane whinger;" and decern him to pay "five pounds to the common affairs of the burgh; and this nochtwithstanding ony allegance of John Scrymgeour, apparent Constable of Dundee, made in contrair this present proceeding, containing the Constable's privilege, because the Provost and Bailies understand perfectly the same to concern themselves and nocht the Constable."

1561-2. Mar. 4.

St. James was a patron saint of mariners, and we find in connection with seafaring matters that offerings were sometimes made at his altar. John Leich, having made good a claim upon certain owners of goods in a ship, "oblist him be his hand uphalden, that on getting the scot and lot of the merchants," he will "answer for three pounds gret to Sanct James' altar at the command of the Provost, Bailies, and merchants."

1522. Nov. 19.

"The land callit Sanct James the Apostle's land" was on the south side of Argylesgait, on the east of St. Michael's land, and opposite to the Church.

St. Monan's Altar.—Almost the only reference which I find to this altar is that a priest was presented to its benefice the year before the burning of the town. He did not, however, claim possession until after order was restored. "Maister Walter Bourgche, chaplain of Sanct Monan's Chaplainry, situate within the paroch Kirk, producit and showit in judgement his collation upon his presentation of the said Chaplainry, togidder with institution—videlicit, his collation apud Fernwell of the date 1547, and his institution the year abone written. Upon the whilk the said Maister Walter askit act in court." On being established in possession he took measures for

1551. Apr. 30.

[1] Reg. Epis. Brechin, II. 352, 357.

recovering the arrears of his rents. "Merjorye Mechelson is adjudgit to pay Maister Walter twa merks for twa terms forrow the town burning of her land lying upon the Burnheid, without prejudice of the brunt terms."[1]

St. Columba or Colm's Altar.—The priest of this altar was also chaplain of the Almshouse, where he had his residence, and at an altar therein ministered to the spiritual wants of the inmates. Sir James Wicht, who possessed these benefices, was a man whom the Council held in much respect, and, when he "set in feu the land of his Chaplainry of St. Colm lying betwix the land of Sanct Peter in Megill at the east, the middle Kirk Stile at the west, the kirk-yaird at the south, and the common gait at the north," to his brother John for twelve merks of mail "payable to himself and his sucessors, chaplains," they readily gave consent thereto; and, a few months later, when Sir James "resignit and upgave his Chaplainry of St. Colm" into the hands of the Council, "reserving to him and his brother the Martinmes rents to their disposition," the resignation was accepted, "and our Maister the Provost askit act." Following this "the Council receivit Sir James Yong to the Chaplainry of Sanct Colm and of our Almshouse be reason of Sir James Wicht's resignation in [his] favour, and decernit ane presentation to be made to him thereupon." 1552. May 19.

The Altar of the Three Kings of Cologne.—The dowager Countess of Errol, in 1481, purposed to erect an altar to "The Three Kings of Colane" in the Church of the Grayfriars at Dundee. We do not, however, have any record of her intention having been carried into effect, and it is probable that she rather founded the altar in the Church of St. Mary, where we find that one so designated was established. One of the endowments of this altar was an annual-rent derived from the lands of Kirkbuddo; but, early in the sixteenth century, this for some reason ceased to be paid, and, in 1538, recourse was had to legal measures for enforcing payment. "Sir James Ersken,

[1] At this time a deduction was made on all annual-rents payable from houses which had been burned.

chaplain of the Chaplainry and altarage of The Three Kings of Culane within the paroch Kirk of Dundee," raised an action before the new Court of Session "against Thomas Erskin of Brechin, knycht, secretar, and Robert Bertoun of Ouir Bertoun" anent an annual-rent of ten pounds pertaining, as is alleged, to the said Sir James for his altarage out of the lands of Kirkbuddo.[1] The Lords of Council continued the matter to a later court, but we do not find that any decision was given upon it.

1553. June 9. After the burning of the town, William Shipart, a burgess who held possession of the land of the Chaplainry which was probably lying in ruins, having been much in arrears with the payment of the chaplain's annual-rent, and fearing that measures were being taken in the spiritual court for dispossessing him, got the priest's procurator "to declare in judgement that he never saw, nor execute, nor indorsit ony letters raisit and fulminate furth of the See of Brechin be Maister Gilbert Oistlar, chaplain of the Chaplainry of the Three Kings of Cullane situate within the paroch Kirk," against William "as possessor of the tenement of the Chaplainry."

The Altar of St. John the Evangelist.—The little that is known regarding this altar is to be found in the Burgh Court records. It seems to have been reckoned a fitting place at which to give an

1554. June 18. oath of verity. "Paul Nicholl, sworn, deponit at Sanct John Evangelist's altar in the paroch Kirk, that the aits whilk Thomas Maxwell come surety for [the laird of Tealing] to David Meldrum, conteinit be mett twenty-one bolls and ane half."

Here is a receipt granted by the priest at the following Martinmas for payment of rent. "Maister George Scot, chaplain of Sanct John Evangelist's Chaplainry, confesses him completely payit of Thomas Nicholl's tenement lying in the Cowgait at Stron's well, of all terms precedent."

St. Andrew's Altar.—This altar was situated at the east end of the south aisle of the choir. The bay that contained it was the only one in the Church which escaped the ravages of fire, and it

[1] MS. Acta Dominorum Concilii et Sessionis, Vol. XI. fol. 197.

remained until 1841, with its decorated window and shapely vaulting, a beautiful fragment which bore testimony to the grace and grandeur that had characterised the structure to which it belonged. The first notice we find of the altar occurs in "The Book of the Church," about 1480, when Thomas of Fyff had his burial place assigned to him "in the Kirk before Sanct Androw's altar, because he is chaplain till Sanct Androw." A later chaplain aggravated a burgess by claiming overmuch annual-rent from him. In 1536, John Durehame appealed to the Lords of Council against "Maister David Covintre, chaplain of Sanct Androis altar situate within the college Kirk of Dundee," who "molests and troubles him and his spouse for six shillings of annual mair nor their tenement awe, or is conteinit in the fundation of the altarage, and hes callit them before the official of Brechin;" also against "the Council of the burgh, patrons of the altarage, who hes the fundation in keeping, and will nocht produce and shaw the samin." The Council not having compeared or answered this allegation, the Lords decerned them to deliver John and his spouse "the authentic copy of the fundation and infeftment."[1]

When the time of trouble in the Church began, Sir John Sowtar, the chaplain, experienced some difficulty in collecting his rents. First, he had to raise "process agains umquhile John Lundy's land in the Seagait," then, the relict of umquhile Richard Anderson refused to pay "certain annuals acclaimit be him out of her land whilk Richard had put her in possession of," and thereafter, Robert Cheild resolutely contested an action which the chaplain raised against him for rent. In this "Sir John producit the copy of ane charter, with ane rental in medie probation," and diverse chaplains as witnesses, "whilk war sworn and receivit; and because he allegit that the charter of the foundation of Sanct Androis altar wes in the irne kist of the burgh, and that the same wes necessar to him for proving his intent agains Robert," the Bailies assigned a later day for its production. At the adjourned court the charter was not, however, forthcoming, and "Robert Chield protestit that as Sir John, being then personally present, producit nocht the same for consideration of the terms thereof," therefore he should have "absolvator in the cause." To this

1558. Sept. 14.

[1] MS. Acta Dominorum Concilii et Sessionis, Vol. VIII. fol. 110.

the Bailies, who had already been interpreting the signs of the times, cautiously and indefinitely "assignit later attour to give sentence thereintil."

Besides the altars which we have named, there were others in the Church dedicated to St. Agatha, St. Gregory, St. Matthew, The Magdalene, St. Barbara, St. Ninian, St. Traduan, St. Bartholomew, St. Sebastian, St. Lawrence, St. Magnus, St. Helen, St. Thomas the Martyr, and St. John the Baptist. The number of them, while exciting our surprise, may at least lead us to admire the bountiful and reverent spirit of our ancestors, which prompted them to rear these memorials of saints and worthies, and to consecrate them as fitting places for the performance of divine service. We may also wonder at the number of churchmen, and how sites could be found around the walls of even so large a church for all these altars; but we must bear in mind that it was not uncommon for a priest to hold more than one benefice, and that, for want of room, one altar had sometimes to suffice for the services of two chaplainries.

CHAPTER III.

ST. MARY'S CHURCH (CONTINUED).

The Vicars—The Choristers—Decorous order in the Church—The reconciliation of enemies there—Collections made for charitable uses—Kirk Burial—Magnificent ritual—The character of Churchmen—A transaction in Altar services—The poor denied entrance into the Church on Holidays.

The Office of Vicar in the Church of St. Mary was one of considerable importance, and, as we may expect to find, it was sometimes occupied by able and influential men. The first Vicar of which there is record was William Mydford who, as we have seen, had a contest with the ecclesiastical authorities regarding his stipend in 1252. For a long time after this we do not even have the names of any who held the office, but Master Richard of Crag was Vicar from 1442 to 1450, and of him it is recorded that he gave to the High altar "ane missal," and to St. Katherine's altar "ane vestment with all graith perteining thereto." Richard Wyly was the succeeding occupant of the benefice, but we have no particulars regarding him. John Barry was Vicar in 1490, and held the office for a considerable time. He must have been an able and practical man, for we find that from 1521 to 1523 "the Vicar of Dundee" was elected one of the Town Council—a circumstance which also shows that the relations between the temporal and spiritual authorities had then been of a very harmonious character. In 1527, he was, as we have seen, named an arbiter in the dispute which took place between the crafts and the Guildry regarding the management of the Haly Blude altar. The next Vicar was a man of muscle who had distinguished himself by drawing a good bow. Lindsay of Pitscottie relates that, about 1535, there was a contest in archery at St. Andrews between six Englishmen and six Scotsmen—three yeomen and three landed gentlemen—one of the latter being Mr. John Wedderburn, Vicar of

Dundee, the result of which was victory for the Scots.[1] At the time of the burning of the town by the English another John Barry or Barre as the name is written, was Vicar, and we find him, in 1550, acting as tutor on behalf of a young relative, owner of the then ruinous land of Our Lady Wark Stair. Robert Wedderburn succeeded Barre, and held the benefice from 1551 until his death in 1553. He was one of the most distinguished men of letters that Dundee has produced, and further on I will take occasion to consider the position he occupied in the burgh and the works which he has written.

After this a contention arose regarding the right of making the presentation to the Vicarage, which had hitherto been exercised without question by the fraternity of Lindores in virtue of the grant made by the Bishop of Brechin early in the thirteenth century. When Wedderburn died, the Abbot and Convent presented Maister John Rolland to the benefice; but the Bishop refused to ordain him into the office, and "intrusit therein" Sir George Wilson, a chaplain of the Brechin Cathedral choir. Rolland would not, however, withdraw
1553. Aug. 22. his claim, and, at a meeting of the Bailies and burgesses, "producit ane appelation whairin he appealit for himself [and the] Abbot and Convent of Lundores, his patrons, and for the parochiners of the Kirk of Dundee frae ane reverend father, John, Bishop of Brechin, for denying and refusing to give him collation ordinarie of the Vicarage of Dundee be presentation of the said Abbot and Convent, undoubtit patrons thereof, and for the intrusing of Sir George Wilson in the Vicarage and all others to be intrusit therefter; and he requirit the Bailies, Council, and Communitie in court time, they being present, gif they wald adhere to his appelation or nocht. And Maister John being removit out of court be ane short space, Robert Kyd, Bailie, inquirit of [those] being present, and desirit their answer upon the premises. And efter inquisition thereof, and Maister John being callit in again in court, the Bailies, Council, and Communitie for themselves and the remanent of the parochiners, ryplie avisit, determinatlie answerit that they wald adhere and inhere to Maister John Rolland's appelation, and supplie him in his just cause as law will. Upon the whilk

[1] Lindsay's Chronicles, II. 347.

answer and determination Maister John askit act and instrument." This firm opposition seems to have defeated the Bishop's intrusion. Rolland probably did not for some time obtain ordination, but he was successfully established in the benefice and its fruits. The following year "Maister John Rolland, Vicar of Dundee, requirit of James Lovell, treasurer, the key of the Vicar's chalmer, reservit in James' charter to the Vicar and his sucessors, as he that wes chargit be the letters of the feird form. Whilk key through the charge foresaid wes deliverit to Maister John, Vicar."

The charter referred to is one executed in March 1551-2 by Robert Wedderburn, the previous Vicar, under which he agreed upon certain conditions to construct anew his house which had been burned by the English, and to reserve "one chamber therein, eighteen feet long by seventeen feet broad and ten feet high, as the Vicar of Dundee's chamber in all time coming."[1]

Sir George Wilson obtained other preferment from the Bishop, for we find him afterwards holding the office of chaplain of St. Crucis in the Cathedral of Brechin.[2] James Hammylton was the Vicar of St. Mary's Church at the time of the Reformation.

Considerable attention was paid to perfecting the music in the Church. From an entry which occurs in "The Book of the Church," of date about 1470, I think there can be no doubt that the choral service was already led by an organ. "Wat of Muncur, armourer, is surety for Sir Nychol Segden that he sall not wer[3] the organs, to the whilk he has sworn in verbo saserdocie." The Council sometimes engaged competent vocalists to assist the chaplains of the choir. In 1474, they "promisit that they suld fee John Singar to sing in the queir for a year, and till pay him his fee." John, the singer, by reason of his proficiency had, no doubt, acquired his designation as a permanent surname. At a later time, they appointed "to John Martyne, chorister in our queir, the soum of ten merks for this year's service to be made be John at matins, mess, and evensang, and siclike year be year sae lang as [they] think expedient," and "sae lang as he maks gude service and nae langer." His stipend was to be paid from the Chap- 1553. July 18.

[1] Eminent Burgesses of Dundee, by A. H. Millar, 21.

[2] Reg. Epis. Brechin, II. 359.

[3] Wear: misuse.

lainry of St. Thomas the Martyr, the rents of which were appropriated "for the help and uphald of divine service."

John's professional duties appear to have been satisfactorily performed, but, the following year, exception was taken to an objectionable friend with whom he had become associated; and the Bailies decerned "John Martyne to devoid Elene Ramsay furth of his company, and Elene to have term to pass and bring certification that sho is free of all man." The separation of the parties was effected, but discord arose at the division of their goods; for Elene "acclaimit ane bed and ane pair of double blankets," and "hes tane to prove that sho payit eight shillings for the bed;" while "John hes tane to prove that the blankets were made of his awn wool, and that he payit for the making of them."

The services of the priests at the altars were performed with much decorous solemnity. An acolyte who assisted the chaplains of the choir in their sacred functions, having become inattentive to his duties, they complained to the Bailies "upon John Corntoun for misordering of the bells, and want of fire and water in due time to serve the mess and divine service;" and John, in a proper spirit of contrition, "grantit that what time and how soon he offendit or failit in sic behalfs, to discharge him of his office but delator."

Not only, as we have seen, were offenders frequently subjected to penance in the Church, but a worthier function was sometimes performed there when neighbours who had been at variance were publicly
1551. July 6. reconciled. Andreis Martin and William Clark having been "amerciate for stroublance of this gude town of peace, it is decernit that ilk ane of them sall come in to the Kirk with ane wax candle of ane pund wecht, and there ask the Bailies forgivenness in our Soverane Lady's name; and ilk ane of them to remit other, and tak other be the hand friendfully, and pay to the reparation of Our Lady Kirk ilk ane of them twenty shillings."

A collection of offerings was regularly made in the Church for the poor of the almshouse; and, at a time when the Church itself and its altars were much in need ot help for their reparation, we find that this was made preferential over other objects. The Council
April 6. "ordainit that the almshouse bred gang every Sunday, and neither

pece[1] nor other bred except Our Lady breds. And the almshouse bred but[2] to gang on other haly days. And honest neighbours to gang with the bred when they are chargit." This duty was subsequently enforced by penalty. "Gif ony neighbour warnit to pass with the bred, contemptually disobeys, he sall mak the bred as gude as it wes the last day affore." And when John Spens, merchant, neglected to gather the alms he was "decernit to pay and refund the almshouse bred" that which was wanting; "and this wes referrit to John Duncan's aith wha past [with it] the day affore."

During the fifteenth century burial within the different divisions of the Church was very common, and the fees were low, the kirkmaster's charge for a grave being not more than twenty shillings; but afterwards, as the floor became more fully occupied, the fees were made higher and the burials became fewer. In 1521, it "was statute that nae person sall be laid in the queir, but their friends that causes them to be laid sall pay ten merks till the Kirk werk;" while the sexton was decerned "not to tak mair but twa shillings for ane grave of them whilk are eirdit in the Kirk." Numbers of burgesses who had been slain at the English attacks on the town in 1547-8, appear to have been buried in the Church without payment of fees; but, after quiet was restored, an effort was made to recover these, and the kirkmaster was instructed "till agree and compone with all them that are awing for lairs in the Kirk of all times bygane."

The obsequies for the dead, or, as they are sometimes called, "the menyng" or mourning in the Church, were very solemn and impressive. In 1495 the Council agreed with George of Spalding, who gave the Church a great bell and other gifts, that on the death of himself and his wife, "they sall have their lairs in the queir under the farrest gree before the Hye altar, whair the Epistle is singing of the hye mess;" and that "the Lady priest that beis perpetually before the [altar at the] Lady mess daily, sall exhort all the people being there to pray for George his saul and his wife's saul;" and, "efter the Lady mess, to pass in alb to the grave of George and his wife and say the psalms De Profundus and Miserere mei Deus, and

[1] This appears to have been a special vessel for receiving offerings. [2] Only.

cast haly water on their graves." Further, they became obliged to cause the obits to be done yearly "on the morn efter the feast of the Assumption of Our Lady and on the day of George's decease as it comes about," for him "and his wife within the queir of the Kirk with all the ebdomidarys of the queir," who shall use "all the diregeis and torches at the saul mess in honest wise; and gar ring the twa gryt bells of the Kirk and the hand bell through the town as effeirs,"[1] And the Council "took upon them till cause all the foresaid things to be observit, as they will answer till the highest judge on the day of doom."[2]

1521. Sept. 30. By the beginning of the sixteenth century the number of bells in the tower had been increased to five, the largest of which were used at burial services. "It is statute that an ony person cause the gret bells to be rung for either saul mess or dirige he sall pay forty pence to the Kirk werk." The "passing bell" was tolled at the time of a death, so that its sanctified sound might avert evil influences from the departing soul, and excite Christian people to pray for its weal. "The bell is decernit till ring freely for all neighbours and comburgesses at ony neighbours decease without ony contribution except twelve pence to the sacristan ringer of the bell alanerly." Sometimes, as a mark of respect, the fee was dispensed with. In 1516, "the Council grantit to Robert Seres, elder, and Robert Seres, younger, their servants, common clerks of Dundee, their lairs in the Kirk for their service done and to be done, with the bells ringing for them free."

It was not until nearly the middle of the sixteenth century that St Mary's Church was fully completed, and that it attained to its greatest splendour. The stately tower, crowned with arches of stone, was now fitly furnished with a peal of bells, on which a chime of "six score and nine straiks" was rung three times daily, to call worshippers to "matins, mess, and evensang." Within the spacious and lofty building, when all the accessories for magnificent ritualistic service had been provided; when the High altar on its central dais

[1] The bellman was allowed "to tak nae mair for his ance passing through the town at the desire of ony neighbour nor twa pennies alanerly."

[2] MS. in Burgh Archives.

was covered with cloth of gold and laden with precious service books and silver vessels glittering with jewels; when the others which stood around the walls were spread with fair linen cloths or costlier covers of diverse colours, whereon lay missals and psalters, chalices and patens of such value and beauty as the faithful were able to offer; and when the many priests, in copes of varied richness, in vestments of silk and tissues of gold, ministered each at the altar of his saint; or, in the time of high mass, joined together in stately procession around the Church with crucifix and sacred relics, and, amid the swinging of fragrant censers, united their voices in chanting solemn psalms to the resonant peal of the organ, the spectacles presented—so effective, so impressive—although they may appear to some vain and meaningless, could hardly have failed in guiding the devotion of humble votaries, and imbuing simple souls with feelings of reverent worship.

At this time when the magnificently appointed Church was beginning to lose hold of the sympathies of the people, and rapidly approaching its period of disintegration and dissolution, it is surprising to find that the contemporary Burgh Court records, which contain much that helps to elucidate the ecclesiastical history of the town, have almost nothing reflecting upon churchmen, their ignorance, their greediness, their immorality, their hypocrisy—vices usually laid to their charge, and for the possession of which the satirists and poets of the sixteenth century have attacked them with the bitterest sarcasm and keenest wit. This reticence is the more surprising when we consider that the burgh magistrates, who took an active part in forwarding the salutary work of the Reformation, must have been inimical to the priests who came to their court for recovery of rents or redress of wrongs, and we would fain conclude that it indicates that the evil order in the Church had not been so grievous, or the degradation of its clergy at all so general as has been represented. And this surmise is indeed justified when we find reformed burghal rulers testifying to the purity and virtues of some of the priests who continued to minister at the altars until they were overthrown, and then subsided into the ordinary vocations of life with such prudence and discretion as approved them worthy of general

regard. No doubt the clergy were, as Lindsay has depicted them, sometimes so unlearned,

"That in the Kirk they can not sing nor say;"

and generally so ambitious and proud that,

"The puir priest thinks he gets nae richt,
Be he nocht stylit like ane knicht,
And callit Sir afore his name,
As Sir Thomas and Sir William;
All monks ye may hear and see,
Are callit Deans for dignite."

They were not seldom careless and lazy in doing the duties of their office, while zealous and active only in gathering in its fruits; and many of them were greedy. Dunbar, with vigorous and unscrupulous coarseness, alleges that

"The Clerks tak benefices with brawls,
Some of Sanct Peter, some of Sanct Pauls,
Tak he the rents nae care hes he
Albeit the deil tak all their sauls."

But we may charitably conclude that such weaknesses and vices were not general characteristics of the churchmen of the period, whose faults and virtues, with perhaps some few exceptions, were only such as pertain to ordinary human nature.

Unquestionably, there were amongst them disreputable and avaricious men who traded in sacred things. Lindsay sneeringly speaks of bargaining,

"With ane plack to buy ane mess,
Frae drunken Sir John Latynless;"

and although the Burgh records do not tell us of dealings with any such worthless and incompetent priests, we yet find an account of one transaction in altar services which certainly was carried out in a merely mercantile spirit. Alexander Strang, a burgess of Kirkwall, having in the course of his business as a merchant made a successful venture in Dundee, he, before returning home, entered into an agree-

ment to pay Sir John Walcar, one of the chaplains, some goods and money for the performance of certain duties at the altar on his behalf—probably for the weal of his soul and for the success of his enterprises. The stipulations were not, however, fulfilled, for it seems doubtful whether Sir John performed his part of the bargain, and certainly time went on and Strang failed in making the payment for which he had become bound. But the priest took measures for securing himself, for a barrel of butter having been found in possession of Rankyn Nicholson, a Dundee burgess, "it was chal-lengit and gert be put under arrest at the instance of Sir John Walcar, chaplain, for his fee awing him be Sande Strang, because Sande's mark was fundin upon it;" and it was ordered "to remain there till Rankyn brings warrandice authentic out of Orkney that the barrel is his proper guids and nocht Sande Strang's." About two months later Strang was again in the burgh, and, the butter continuing under arrest, he went before the Bailies and "denyit that he aws Sir John ony fee; but Sir John producit his obligation under his hand write and mark hereupon for proof; the whilk he war-rantit. Wherefore Alexr is adjudgit, efter the tenor of his obliga-tion, to pay Sir John for his quarter year's service half a last of malt and ten shillings of silver." A question, however, arose as to whether the chaplain had been doing his part of the bargain, "and Alexr allegit that he failit and made nocht service"—an allegation which appeared to the Bailies so probable that they "ordainit that Sir John sall find surety in this burgh to Alexr for performing sufficiently within year and day or shorter. And what time he fails in his service in his default, that sae meikle money sall be deliverit again to Alexr be Sir John."

1522. July 24.

The consideration shown for the necessities of the poor of the almshouse within what claimed to be the Church of the people, was a pleasing feature in its government, and seems to go far to sub-stantiate that claim. We, however, find that this assumption is hardly tenable, for, at the time that St. Mary's Church was in its glory, the poor were not admitted within its walls to worship on occasions of high festival, but were as rigorously excluded as they can be now out of any fashionable sanctuary. The Bailies "statute and

1521. Sept. 30.

ordainit that an ony of the sergeants be fundin nocht keeping the queir doors ilk Sunday and festival day, the faltour sall pay twelve pence till Our Lady werk. And on haly days to keep the puir folk out of the Kirk, and the bellman [on] the wark days." And, a few years later, "the four sergeants has grantit to keep the Kirk and queir ilk Sunday and festival day, and hald out the puir folks, whilk gif they fail hereintil—that is to say, twa ilk day their course about—the faltour sall pay thirty pence to Our Lady licht." We find a man prevented from entering the Church as a punishment for committing an offence against a priest. "John Leich is adjudgit to ask Sir James Kinloch and William Kinloch forgiveness, in judgement upon his knees, for the stroublance done be him to Sir James and William. And John sall nocht come within the Kirk nor kirkyaird for year and day, whilk gif he does to be banishit this burgh."

CHAPTER IV.

THE LESSER CHURCHES AND CHAPELS.

St. Clement's Church—St. Blaise's Chapel—St. Nicholas' Chapel—St. Paul's Church—St. Anthony's Chapel—Our Lady Chapel—St. Roque's Chapel—The Rood Chapel—Mains Church—Little Gourdie Chapel.

St. Clement's Church.—Although unable to give any complete account of the various smaller churches and chapels throughout the burgh, I yet have found a number of particulars regarding them which are of some interest. The most important was St. Clement's Church, which had been of ancient foundation. St. Clement was the tutelar Saint of the town from a remote time, and was maintained in that position until the erection of St. Mary's Church. Even after that great church was built the people did not forsake their old Saint and his house, but continued to hold him and it in the utmost reverence. Boece says "that the greater part of the town's people resorted most to the very old Church of St. Clement, where they worshipped the Saint with holy prayers," still remembering that "the town when it had the name of Alectum was under his protection." The churches of both saints appear to have long continued to be held in equal regard; for the ancient seal of the burgh bears the emblems of both—on the one side St. Clement and his anchor, and on the other the Virgin and Child. "St. Clement of Rome having been martyred by being cast into the sea with an anchor, was the patron of sailors,"[1] and the site of the Church was appropriately chosen on the river bank adjacent to the old harbour; so that mariners on undertaking or completing a voyage could readily make supplication or offer thanks for guidance and protection at the shrine of one who was held to be identified with themselves. The Church, which was of small size,

[1] Bishop Forbes' Kalendars of Scottish Saints, 301.

stood down a little from the Market Gait on the east side of the Vault, near to where there was, and yet is, a well of clear water which also bore the Saint's name; and, being reputed to have sovereign virtues, would, no doubt, be in request for the supply of ships.[1] From some particulars of the dimensions of the Church which are given at the time of the Reformation, when it was altered to make it suitable for a weigh-house, compared with the plan of the latter building as it stood until its recent demolition, I find that the structure was about forty-two feet in length from east to west, and eighteen and a half in width. The arched roof was supported by a line of pillars formed of light clustered shafts; and there was, and remained till the building was destroyed, "ane hinging stair upon the west gavel abone the greit west door," which had been the access to a gallery.

The manse, which also remained nearly entire till recently, stood a little on the south and east, adjoining the old Grammar School. It was a massive building of three irregular floors, with overarched windows. There were several curious sculptured chimney-pieces in it; and its principal external feature was a projecting turnpike stair surmounted by a high pitched chamber.

The churchyard, which extended over the slope from the Market Gait to the Haven, and from Tindal's Wynd westward to where Crichton Street is now, was the only common burial place within the old burgh until Queen Mary, in 1564, granted the Grayfriars' yard for that purpose, after which it ceased to be used. As a well known central place it appears to have sometimes been chosen for the execution of important documents. In May, 1427, "a notarial instrument, dated in the churchyard of St. Clement at Dundee, [was drawn up] on the intromissions of Sir Andro Gray, knight, of Fowlis, with the estate of Sir Thomas Maul of Panmure, his grandson;"[2] and, following this, as we have seen, "an instrument was written before the altar of St. Stephen" on a discharge by Sir Thomas to Sir Andrew of all sums due to him through his marriage.

Nothing is known regarding the original endowments of St. Clement's altar; but, not long after the erection of the Church dedi-

[1] The well has been covered over by the extension of the Townhouse. It is some distance within the south-east corner.

[2] Registrum de Panmure II. 194.

cated to the Virgin, the altar appears to have been removed and its endowments diverted to "the Chaplainry of the blessed Virgin Mary founded in the Church of St. Clement." The lands of Milton of Craigie, which were mostly gifted by Ysabella of Brouss to the Abbey of Lindores in the thirteenth century, were also in part appropriated to this foundation, so that it became a benefice of considerable value. In 1540, Richard Jaksoun, chaplain of the Chaplainry of the blessed Virgin in the Church of St. Clement, for the augmentation of his rents, "with the consent of the Provost or Alderman and twelve of the most sufficient men of the burgh, patrons thereof," set in feu his third part of the town and lands of the Milton of Craigie for the annual payment of sixteen pounds ten shillings, and twenty shillings for capons. In granting the feu of these lands he, however, reserved to the town "the free use of the whole portion between the road and the river, from the houses of the lepers at the west even to Hayr Craggs, and thence to the Ferry at the east;" also, "free the Chapel of the Holy Cross and of St. John, with the cemetery of the same," now known as the Rood Yard. The chaplain in addition feued St. Clement's manse standing "between the cemetery of the Church at the north, and the public road to the pier head at the south," for forty shillings of annual payment.[1]

As we shall see, Richard Jaksoun continued to hold his benefice in St. Clement's Church till close on the time of the Reformation. He sometimes had trouble in collecting his rents, but the interposition of the magistrates appears to have generally enabled him to secure their payment.

St. Blaise's Chapel.—The buildings of this chapel were "within the fore yett lying at the west part of ane wynd callit the Thorter Raw;" and extended westward to St. Mary's churchyard, where Tally Street is now. We do not know anything regarding the house or its surroundings, and all that is to be found in the Burgh Court records concerning it relates to the feuing of the ground after the buildings were destroyed. The neighbouring Chapel of St. Margaret was in the close bearing that name leading south from the Nether-

[1] Hay's Writs and Charters of the burgh, 31.

gate. We have no records regarding it, but until recently an out-building of modern construction stood there, having a base of ancient hewn masonry which had probably been the foundation of the Chapel.

St. Nicolas' Chapel.—This little Chapel "was situate within the flude mark," upon an insulated rock which lay in the line of the west side of South Union Street, at the lower end of the ground of the Caledonian Railway. About the end of last century the construction of the roadway to the Ferry pier joined the craig to the mainland, and it no longer was surrounded by the tide, although its rugged surface continued to stand at a higher level than the ground about it. Later alterations have, however, altogether effaced the conformation of the islet. The Chapel was of an ancient foundation. At the end of the twelfth century, when the Earl of Huntingdon returned from the Holy Land, "He," according to Boece, "arrivit in Tay beside Dundee, not far frae Sanct Nicholas' Chapel." It lay within the demesnes of the Crawfords, not far from their great house, "The Earl's Inns;" and, as they possessed its patronage, we may conclude that it had been founded by that family. In 1546, among the property of the Earl of Crawford there is specified "the craig lying within the flude mark beside Dundee, with the fortalice, and donation of the Chaplainry of Sanct Nicholas foundit within the same."[1] Fifty years later Earl David received a grant of new from James VI. of "the craig called Saint Nicholas craig within the sea mark of Dundee, with the fortalice, and place of the said craig, [and the] advocation, donation, and right of patronage of the Chaplainry of Saint Nicholas founded within the same."[2] The fortalice stood upon a lesser rock which lay farther out in the river, and is now incorporated within the east wall of the Ferry harbour. This little islet was, till within these fifty years, covered by a building having crenelated walls, not, however, of very old erection.

1559. Ap. 24. Maister John Balfour was "chaplain of Sanct Nicolas Chaplainry, within the flude mark," at the time the English spoiled the town, and we find him subsequently making a deduction "of the feird penny" from the annuals payable to his benefice from several houses.

[1] Lives of the Lindsays, I. 112. [2] Reg. Epis. Brechin, II. 372.

lying in the Seagait and Murraygait, "be reason they were brunt and destroyit be the auld enemies of England." A land "perteining to Sanct Nicholas' Chapel" stood on "the north side of the Flukargait."

St. Paul's Church.—The Church dedicated to St. Paul was also of a very ancient foundation. It stood between the Murraygate and the Seagate, near to their west end; but nothing is known regarding its endowments or structure, although remains of the building existed till the middle of last century, and sculptured stones, believed to have belonged to it, were to be found in the neighbourhood until a recent time. St. Paul's land, which had been connected with the Church before the Reformation, stood on the north side of the Seagate, near to the West Port—a gateway which is further localised in a description of "John Meill's tenement, lying in the Seagait on the north side betwix the land of umquhile John Watt's heirs [at the west], and the West Port of the Seygait at the east." The Seagate is the most ancient quarter of the town, and the name of its West Port leads us back to a time long prior to the sixteenth century, when this Port was the western limit of Dundee, and the East Port, near Sugar House Wynd, was the eastern, when the Meadows and the Cowgate were the burgh boundaries on the north, and the central Market Cross stood in the middle of the Seagate, on the site which is still denoted by a circular figure in the stones of the pavement.

1557. Ap. 20.

St. Anthony's Chapel.—I find that there was a Chapel in the Seagate dedicated to St. Anthony. Its locality is indicated in an acknowledgment by "Andro Barry of the half annual awing to him be Andro Meill, of the lands betwix Sanct Anthon's Kirk and the East Port, of all years and terms bygane;" which points to its site as having been on the north side of the Seagate, eastward a little from Queen Street. A payment is still made to the town chamberlain "for Saint Anthony," from property in Butchart's Court, which is in the same locality, and this is probably where the Chapel stood. In 1552, "the chaplain of Sanct Anthony's Chapel" agreed to a deduction on an annual; and, two years later, when Alexr Broun

1560. Oct. 23.

was charged to make payment of some annual-rents, he alleged that his land in the Cowgait was not bound for any other payments than the King's mail, "and to Sanct Anthonie thirteen shillings four pence.

1564-5. Jan. 8. "David Scrymgeour was chaplain of Sanct Anthonie's Chaplainry" at the time of the Reformation, and we find him subsequently taking measures for seizing "the back land perteining to umquhile James Wedderburn, lying on the north side of the Seagait, and the east side of the common vennel,[1] for ane annual-rent of twenty-two shillings awing furth of the land to him be the space of seventeen years" —or since the time of the English occupation. He also took action against the heirs of a land in Argylesgait "for ane annual-rent of four merks, awing to the Chaplainry be the space of three terms."

Our Lady Chapel.—This Chapel was always designated "of the Cowgait," which, no doubt, was in order to distinguish it from the older Lady Chapel which stood, according to accepted tradition, beside the famous Lady Well at the bottom of the Rotten Row. Its place was in the enclosure "callit the Chapel Yaird, lying on the south side of the Cowgait betwix Our Lady Wynd on the east, and the yairds of Walter Carmanow on the west." There is no record of its foundation, but we know that its endowments consisted of a considerable number of small annual-rents. Sir Thomas Wedderburn was "chaplain of Our Lady Chapel in the Cowgait" at the time the town was burned,

1556-7. Feb. 10. and we find him afterwards granting a deduction "of the feird penny" of the annual "awing to his Chaplainry furth of a land lying in the Seagait," because the house had been destroyed. The Chapel yard got into the hands of the Wedderburns. In 1553, part of it was in possession of "Robert Wedderburn and Elspet Scrymgeour his spouse;" and in 1581, the whole was held by Richard Wedderburn.

St. Roque's Chapel.—The Chapel of St. Roque, or Roche, stood without the town on the east, by the side of the sparkling Wallace burn. This stream takes its rise behind the Law, and flows eastward through a little valley of diversified and pleasing aspect formed by the slopes of Clepington and of Hillbank. In its course it is joined

[1] Our Lady Wynd, now Sugar House Wynd.

by several affluents, and at the Rashie well—once a famous suburban spring—it turns to the south and enters a deep and narrow den, whose grassy banks used to be redolent with wild flowers and shaded by great trees, where it is joined by the waters of another well—which also of old was famous—then, making a rapid descent, it enters the river at the extremity of the Seagate. The Chapel and burying-ground were on the east side of the burn, under a steep acclivity upon the lands of Wallace Craigie, close to the locality which long bore the corrupted name of Semirookie, and is now called St. Roque's Lane. From an early time Wallace Craigie belonged to the Scrymgeours, who probably founded and endowed the Chapel. St. Roque, to whom it was dedicated, obtained the odour of sancity by his devotion in ministering to those suffering from plague; and, on the approach of that dreaded malady, the people used to gather at his altars to pray for protection. Lindsay says, they went—

> "Some to St. Roche with diligence,
> To save them from the pestilence;"

and it was beside churches bearing his honoured name that the victims of the plague were generally buried. Thus it is, no doubt, that we find St. Roque's Chapel in Dundee stood near to the lodges appointed for those afflicted with pest, and to the houses for outcast leper folk, so that sick and comfortless sufferers could obtain the ministrations of one devoted to them, and the deserted dead might have consecrated burial.

The division of Wallace Craigie lands in which the Chapel stood was called "Sanct Roche's barn-yaird," and it had probably been part of the original endowment. We find that at one time this field was wrongously possessed, and a crop grown upon it without any arrangement having been made for payment of rent. "Maister James Scrymgeour, chantor of Brechin," came before the Bailies and alleged "that James Fresal occupeit Sanct Roche's barn-yaird and barn with his corns that grew on twenty-six acres of land;" and this having "been provit in court," James "of his free will grantit to pay Maister James twenty-four shillings for his mail under the pain of doubling." This James Scrymgeour, who for thirty years held the office of

1522. July 14.

precentor in the Cathedral of Brechin, acted in Dundee as factor for a number of properties, and showed himself very zealous in recovering rents. On one occasion we find him poinding "a gown of black, auld and worn, of Gresell Smyth's for eight shillings eight pence of mail;" and the officer having "made penny of the gown," it realized a shilling more, "and he deliverit the eight shillings eight pence to the chantor," and "the twelve pence for the sergeant and clerk's fee."

1557-8. Feb. 14. The last priest of St. Roque was presented to the Chapel when it was probably lying in ruins. Intimation of this was not made to the magistrates until after some years. "James Scrymgeour, procurator for James Cokburn, clerk, producit an instrument of installation of the said James in the Chapel and Chaplainry of Sanct Roche, under the note and sign of Sir David Lude, notar, of the date at the said Chapel the 11 day of April, anno 54, and thereupon askit act of court."

The Rood Chapel.—This Chapel stood by the river side nearly a mile east from the old burgh boundary, upon a headland which, in remote times, bore the name of Kilcraig, signifying the rock of the cell or chapel, and also, as we find from Adair's map of 1703, Corseness, otherwise Crossness, or the promontory of the Cross. We have little knowledge regarding the Chapel or its endowments, but we find that an altar within it was latterly dedicated to St. John, and that, to distinguish this from the Chaplainry of the same name in St. Mary's Church, it was designated "of the Sklait Heuchs," because the eminence on which the Chapel stood was in great part formed of gray stone which, when split into layers, was used as slates—a purpose for which it has indeed been long since all quarried away, excepting the lonely little burying-ground overlooking the river, still called the Rood Yard. In the sixteenth century the Chapel was a well known shrine. As we have seen, it was "in the public street between the Chapel of St. John and the houses of the lepers," that the Wicked Master of Crawford renounced his birthright. Sir Thomas Wedderburn, who held the benefice of Our Lady Chapel, was also Chaplain of the Chaplainry of Sanct John of the Sklait Heuchs at the Reformation, and after that time we find him claiming a rent of twelve shillings belonging to it from a land in the Seagait.

It will be observed that the sites of the whole of these Chapels were toward the east, or most ancient part of the town, a circumstance which enables us to conclude that they had all been of early foundation. The only one to the west—of which we have simply the record of vague tradition—was the Magdalen Chapel, which appears to have stood at a considerable distance outside of the burgh, upon the high ground above the Magdalen Green.

Mains Church.—In the old court records we obtain a few glimpses of the churches standing near to the town. The Church of Mains, which occupied a pleasing site among patriarchal trees on the bank of the Gelly burn, not far from the old castle—a site which is now only a quiet burying-place where

"The rude forefathers of the hamlet sleep"—

derived some of its rents from the burgh. We find "Sir David Alexrson, chaplain of Our Lady altar of the Mains of Erlis Strathdichty," taking measures for obtaining legal possession "of ane tenement lying in the Seagait on the south side, perteining to Robert Duram, for nine terms awing to him—aucht shillings at the term;" and some years later, "John Boyise actit himself before the Bailies to content and pay to Sir Patrik Grahame, vicar of the Mains, the soum of four pounds three shillings" within fifteen days, "and failing thereof, officers to poind and distrenze his guids and gear therefor." 1551. Ap. 6.

Logie, Liff, and Invergowrie Churches.—These churches were all on the west of the town. Logie stood upon the singular little knoll round which the road to Lochee winds. No part of its ruins remain excepting a fragment of a crypt, and a curious baptismal font which somehow has escaped the fury of puritanic zeal. Liff was near the modern church beside the woods of Gray, and there part of its foundations may yet be seen. And Invergowrie still stands in ivy-clad ruins on an eminence beside where the burn falls into the river at the Gows of Gowrie. We find that early in the sixteenth century the benefices of these three churches were possessed

by one incumbent; and that, in 1551, "Dan Andro Gornar, ane of the brether of the Abbay of Scone," was "vicar of Loge, Lif, and Inergowry."

Little Gourdie Chapel.—There is not now in the neighbourhood of Dundee any village bearing the designation of Little Gourdie. In the course of time it seems to have disappeared, and the site of it is so uncertain that we can only fix upon it problematically. About three miles north-west of the burgh, and on the south of the village of Birkhill, there is a farm which yet bears the name of Gourdie, and I am inclined to think that the site of the hamlet in which the Chapel of the Holy Spirit stood is within the adjacent enclosures of Camperdown, not far from old Lundie House. At that place, among trees which have grown to be of large size, there are remains of the foundations of a good many separate houses, amongst which there yet grow great sprawling gooseberry bushes along with attenuated lilies and other flowers which "mark where a garden has been;" and this deserted village may very probably have been Little Gourdie.

We find that there was an annual-rent payable to the Chapel from a house at the junction of Argylesgait and Seres' Wynd, which had long been due, and measures were taken for the recovery of it. "Compearit Sir John Barnis, chaplain of the Haly Spreit,[1] and desirit process of umquhile Sande Hereis' land in Argylesgait, for four merks of yearly annual." Nothing farther was, however, done in the matter for nearly two years, and then "the chaplain of the Haly Spreit in Lytill Gourde," having shown to the Bailies that "the heirs of Alexr Hereis on the east side of Seres' Wynd," had left the annual unpaid "sen the burning of the town," they, after the necessary formalities, "and being avisit with the instrument of seasin of Sir John of the annual-rent, decernit doom of possession to him [of the land] be the mouth of John Gardine, dempster."

1556. Oct. 4.

[1] Sir John was also chaplain of St. Katerine's altar in St. Mary's Church.

CHAPTER V.

CONVENTS.

The Gray Friars' Monastery—The Black Friars' Monastery—The Red Friars' Monastery, the Almshouse, and the Leper house—The Gray Sisters' Nunnery—The connection of neighbouring Abbeys with the Burgh.

The Gray Friars' Monastery.—The oldest and most important monastic fraternity in Dundee was the Gray, or Franciscan Friars, likewise called Minorites, and Conventuals. All writers who have noticed this Monastery agree in saying that it was founded by Lady Devorgilla, grand-daughter of David, Earl of Huntingdon, and mother of John Baliol, toward the end of the thirteenth century; but we have no recorded particulars regarding this.[1] The Place of the Gray Friars was situated at the south part of what is now the burying-ground designated the Howff; and its orchards and arable lands extended northward beyond the burn upon the rising ground of the Chapel-shade. The monastic buildings and offices must have been extensive; for, besides the Provincial, there were at least fourteen brethren in residence. The Church was of some size, and of much magnificence, having "gret aftir windows" at the east, and a steeple of substantial masonry in which there had been more than one bell. Besides the High altar in the chancel, there probably were others of later foundation, at all of which the friars who were priests performed daily service. Along the walls were the burial places of worthy burgesses and noble lords who in olden times had done their devoir to burgh or

[1] Mr Cosmo Innes, in his "Report on the Dundee Stipend Case," gives the usually received account of the foundation of the Monastery, and refers, as the authority for this, to the "Orig. Charter in General Hutton's Collection." He does not, however, name the particular place where the charter is to be found, and a search through the General's MS. volumes in the Advocates' Library has not resulted in its discovery.

to realm; and, standing out from the others, the tombs "where generation after generation of the Earls of Crawford were finally laid to rest;" and these "were still to be seen in Gothic magnificence till the destruction both of Convent and Church at the Reformation."[1]

The Church is rendered historically interesting by an important meeting which was held there in 1309, by a Council of the Bishops, Abbots, Priors, and Clergy of Scotland, to consider the national crisis. At this meeting, after taking consideration of the protracted controversy between John Baliol and Robert Bruce, grandfather of King Robert, as to which of them had right to reign over the kingdom; of the many hardships suffered by the commonality through the devastation of war, and the oppression and slavery to which they were subjected; and how, having been without a faithful captain and leader, the people had now agreed upon Lord Robert to be King; they, knowing these things to be truths, heartily approved what had been done, and acknowledged and made fealty to Lord Robert as their illustrious King.[2] This declaration did much to consolidate and strengthen the power of Robert Bruce, and hastened the events which led to the final overthrow of English supremacy in Scotland.

The great territorial families of the district maintained an intimate connection with the Gray Friars, and with their church. In 1426, while the Earl of Crawford was in England, where he remained for several years as one of the hostages for James I., his son, the Master, executed an instrument in the Church of the Friars' Minor at Dundee, in which he says that in consequence of orders from his father, he declines to give the lands of Cambyston in wadset.[3]

Towards the end of the fifteenth century there was a season of great dearth and much suffering in Scotland, and the Gray Friars in Dundee became so impoverished that they had to sell their sacred vessels and books to procure the necessaries of life. In addition the buildings of their Convent had become decayed, and they were unable

[1] Lives of the Lindsays, I. 111. This was not, however, at the Reformation, but some twelve years earlier by the English invaders, who claimed to be reformers, and evidenced their zeal by wantonly ruining and greedily spoiling the grand and beautiful churches which pious generations had reared.

[2] Act. Par. I. 460. Hailes' Annals, II. 40.

[3] Registrum de Panmure, II. 191.

to put them in proper order. To help the Friars in their strait, and to assist in repairing the Church and mending "the gret aftir windows," Beatrice Douglas, Countess dowager of Errol, in 1481, made an indenture with James Lindsay the Warden, and fourteen friars, by which she gifted them with one hundred pounds; and they, for themselves and their successors, became bound "till say or sing a daily mass perpetually for ever" at the High altar of the Convent for the welfare of the souls of the Countess, of her son, and deceased husband, "ay and on to the time it please the said Lady to big and reparal ane altar in the said Kirk [to] the Three Kings of Colane; after the whilk bigging, the mass to be done at the said altar, and to be callit the Countess' mass perpetually."[1] It is probable that the proposed altar had not been erected in the Gray Friars' Church, but in St. Mary's; where, as we have seen, there was one dedicated to the Three Kings of Cologne.

David, Earl of Crawford, a close friend of Thomas Fothringhame of Powrie, who was Provost of Dundee in 1454, for services rendered to James III., received, in 1488, a few weeks before that monarch's death at the battle of Sauchieburn, the title of Duke of Montrose. The following year he made an indenture with the Warden and Convent of the Friars Minors of Dundee, by which, in return for a grant of twenty marks of annual-rent from his lands of Drumcarne, in the lordship of Glenesk,[2] they became bound "under all pain that they may dree anens God and man, for the health of saul and body of the said mighty prince, Lady Margaret, princess, his spouse, and for the saul of a noble lady of haly memore, Marjory, grand-dame to the said mighty prince," that they within the Convent "perpetually and daily, shall say a mess at the Hie altar, and every Friday shall sing a mess of the requiem with the haill Conventual of the said Place for the sauls foresaid, the whilk mess shall be

[1] Thomson's Hist. of Dundee, 322. Jervise's Angus and Mearns, 192.

[2] By Queen Mary's grant this annual-rent became vested in the hospital, and it stood in the rental roll of 1581 as payable by the Laird of Edzell "furth of the lands of Drumcarne and Fymok." It, however, fell into arrears, and, in 1602, "Sir David Lindesay, knycht, ane of the Senators of the College of Justice, paid [to the hospital master] ane hundred pounds for the byruns of ane annual-rent of twenty merks awing furth of his lands of Glenesk."

openly callit the Duke's mess of Montrose. Mairatour, shall graith ane honourable epitaph coverit with a honourable tapit (tapestry), with twa serges (wax candles) borne with twa angels of brass as chandelars, to be lightit at the said mess; the whilk epitaph the ministers, efter the veneration of the Sacrament, shall incense honourably. And mairatour, shall twice in the year solemnly sing, with note and all debtful ceremonies in maist honourable wise, Placebo and Dirige, with mess; and every brother that is a priest, a privy mess.....and in the time of the obit doing of the said mighty prince, the mane of eke Lady Margaret shall [be] menyt and prayit for." In addition, the Friars became bound that they "shall nightly sing efter Compline before the prayer bell, in the queir solemnly this anthem of Our Lady the glorious Virgin Mary, Alma Redemptoris for the saul of ane hie and mighty prince, James the Third our Sovereign Lord of haly memore, whom God assoilzie, and all Christian sauls."[1] The Duke died, in 1495, "at Finhaven, and he was buried in the Gray Friars' Church in Dundee."[2]

John, Earl Crawford, son of the Duke, made "a foundation, in 1506, of a daily mass and requiem at the Great altar of the Franciscans of Dundee, for the souls of his father, his elder brother, his wife, and himself, together with daily special absolution at the epitaphium or cenotaph of the Earls of Crawford."[3] He fell at Flodden, with many other gallant nobles. "His body was discovered on the field after the battle, and carried to Dundee, where he was interred with his fathers in the Church of the Gray Friars."[4]

In 1509, Sir Thomas Maul of Panmure by a deed of mortification granted to the Minorites of Dundee an annual-rent out of his lands of Skichen, for which the brethren became bound "to sing annually on the Feast of St. Nicholas, one general obit—viz., a Placebo and Dirige; and on the morrow a mass of requiem in proper habits in the middle of the choir, with tolling of bells, and the bell-ringer going through the town according to usage; and that each of the brethren should celebrate masses of requiem for the souls of his

[1] Lives of the Lindsays, I. 461.
[2] Ibid. I. 172.
[3] Ibid. I. 181.
[4] Ibid. I. 187.

father, grandfather, and departed wife. And after his death to include the souls of himself and Christian Graham, now his wife."[1]

Sir Thomas was a very hasty and choleric man, "Yet," says Robert Maul, Commissary of St. Andrews, "efterwards he became very penitent of this, as like of all other offences of his youth committit against God and neighbours, as may be perceived be syndrie donations to religious houses. He gave to the Gray Friars of Dundee twenty shillings yearly furth of the lands of Skechine."[2] He too "fell at Flodden, with most of his friends and vassals. When about to dispose himself to the wars for the defence of the King and kingdom, he made a testament, dated at Dundee August 16th 1513, in which he left sums of sixteen pounds, and three pounds twelve pence to the Friars Minors of Dundee for the welfare of his soul."[3]

After the Reformation a great part of the rents of the Gray Friars had not reached the hands of the Town Council, for at that time there only came to them one hundred and ten pounds, a considerable portion of which was derived from the Convent yards. The "land of the Friars' Conventuals" was on the north side of the Cowgait, but its rent does not appear among the assets.

The Black Friars' Monastery.—No records have been preserved concerning the erection in Dundee of the Monastery of Dominicans or Black Friars, otherwise called Fratres Praedicatores or Preaching Friars. We only know that it was founded and endowed by Andrew Abercromby, a merchant in the burgh, about the end of the fifteenth century, and consequently that it was among the latest established religious houses in Scotland. The founder was one of the many Dundee burgesses who have distinguished themselves by the possession of generous and open hands. He had much property and wealth, and these he appears to have devoted in a liberal spirit to the establishment of this monastic community and the promotion of beneficent objects. Not only was he bountiful in aiding good works, but he was practical in forwarding the public business of the commonweal. We find him among the leading burgesses who established

[1] Registrum de Panmure, I. XXVI. [2] Ibid., I. XXIX. [3] Ibid. II. 285.

the Guild of merchants and founded the Haly Blude altar in 1515. He occupied the office of Provost in 1513, and probably after that time he continued to sit in the Council, for the records which have been preserved show that he did so from 1521 to 1523. Mr Millar has shown that he founded the altar of St. Barbara in St. Mary's Church; and that his death must have taken place before 1526, as, after that time, masses were to be said in the Kirk of Crail for the repose of his soul.[1] He was probably buried in "the aisle of the Blackfriars' Kirk. Mr Jervise thinks it likely that it was his widow who, in 1525, leased "from Abbot David Beaton of Arbroath the teinds of Monifieth."[2]

1520-1. Jan. 6. Andrew Abercromby's house was beside the Flucargait or Nethergait Port, near the end of Seres' or Long Wynd, and not far from some of the Black Friars' buildings. This we learn from the record of a legal process used against an adjoining house, which is described as "lying outwith the Flucargait Port of Dundee on the north part, betwix the land of the Freris Praedicatoris at the west, and Andro Abercrombie's land and the Port at the east." This Port was sometimes designated the Blackfriar Port. In 1556, Walter Shipart was served heir "to umquhile Thomas Shipart, his gudschyre,[3] of ane tenement of land without the Blackfrere Port on the south side of the common gait, betwix the teind barn at the east, and George Cragg's heirs' land at the west." The teind yard in which the barn stood is described in the rental roll of 1581, as lying adjacent to the Nethergait Port.

Following Dr. Small and that painstaking antiquary James, Thomson, I had concluded that the Black Friars' Monastery stood opposite the Gray Friars, on the west side of the Friar Wynd or Barrack Street. This, however, is an error, for I now find that it lay near to the house of Andrew Abercromby on ground which had probably belonged to him, lying on the west side of Seres Wynd. The position is satisfactorily settled by a description of the property which is given at the time of the Reformation, when it was let on lease to Thomas

1560. Nov. 14.

[1] Eminent Burgesses of Dundee, 12.

[2] Memorials of Angus and Mearns, 191.

[3] Grandfather.

Thomeson, as "all and haill the Black Friar's yairds [and the] crofts and acres perteining thereto, lying betwix the Nethergait Port and the West Port;" and as the "stane walls of the Black Friar Kirk and houses perteining to that Place," were to be sold and demolished, it was provided "that gif Thomas obteins ony skaith through down-taking of the stanes, the same sall be defalkit off his mail." These Ports stood one at the south and the other at the north end of Seres Wynd. The eastern wall of the Convent yard, which was in the line of the Wynd, latterly formed part of the town wall. An outlying portion of the ground was on the other side of the wynd, and is described as "three ruid of yairds be-east the wall of the town."

There is little to be learned regarding the extent and appearance of the monastic buildings. We know, however, that the brethren were few, and that the Place existed for so short a time that it could not have acquired many endowments. The Church and the aisle were built of good ashlar masonry of so substantial a character that, at their demolition, the stones were reckoned to be well suited for use in "the reparation of the shore and bulwark." The aisle, which had probably been an outer chapel on the east end of the Church, appears to have contained the burial-place of the founder's family. The houses stood on a pleasant and fertile acclivity, and the monks diversified their studious or lazy lives by working in the garden and cultivating useful fruits and vegetables. In 1529, Sir Finlo Young, chaplain of St. Mark's altar, whose house was on the north side of the Flucargait, not far from Seres Wynd, complained that the Friars Praedicatores had encroached upon ground belonging to him, and a jury of liners found that his west boundary wall should be carried "north up whair the heggs of grosers stands input be the Friars, even up north to the Friars' dyke and flags;" and that the gooseberry bushes, when their crop had ripened, should "be removit, at the will of Sir Finlo, this next year herefter following."[1] While the Monastery lay in ruins, after it was burned by the English, one of the brethren appears to have earned a livelihood by cultivating the kirkyard, and he had "herbs and kale growing thereintil."

[1] Warden's Burgh Laws, 545.

1554-5. Jan. 8. After the destruction of their house the Friars experienced some difficulty in securing their rents. "Anent the claim of Maister George Scot, chaplain of Sanct John Evangelists Chaplainry, of thirteen shillings four pence furth of ane land lying in the Seagait pertaining some time to Katrine Quhyte, compearit Frere William Gibson, procurator-general for the Freris Predicatoris of this burgh, and allegit that the annual-rent wes given be Katrine for her lifetime alanerly, and therefore aucht nocht to be payit sen her decease" to the chaplain but to the Friars. At the same court John Curynis, who had refused to pay to "the Freris Predicatoris an annual-rent" of twenty shillings "be reason his tenement in the Cowgait wes brunt be our auld enemies—the burning being clearly proven"—was "decernit be the judges to pay yearly in time coming fifteen shillings only, conform to the decreet." Two years later "Frere John Doddis, Prior of the Black Freres, and Frere John Adamson, his brother, requirit" an annual "of Richard Anderson's land in the Wellgait, and the Council decernit the feird penny to be deducit [therefrom], conform to the acts made be the Lords of Council upon brunt lands."

The Red Friars' Monastery.—The Convent of Red or Trinity Friars, also called Mathurines, was founded by Sir James Lindsay, one of the Crawford family, a valiant knight who distinguished himself at the battle of Otterburn, and is not unknown in Scottish annals for the part he took in helping to settle the standing feud between the Clan Chattan and the Clan Kay, by the politic device of getting thirty leading men from each to join in deadly fight on the North Inch of Perth. About the year 1392, Robert III. by charter "confirmed the gift and grant which our beloved kinsman James Lindsay, knight, hath made of his tenement lying within our burgh of Dundee, for an Hospital and House of God for the brethren of the order of the Holy Trinity, in pure and perpetual charity for the salvation of his soul;" the tenement to be held "for the support of the said brethren, and of infirm and sick old men therein.....And we, in honour of omnipotent God and of the Holy Trinity, to the increase of charity, and for the salvation of our soul, and those of Annabella our

wife, Queen of Scots, and of our children, do give to the said Hospital and House of God the Church of Ketnes, formerly annexed to the House of God of Berwick," to be held by the Friars while that town is "in the hand of our enemies of England, with all its fruits and revenues perpetually."[1]

The tenement gifted by Lindsay stood outside the Flucargait Port between the river and the street, on the level haugh which obtained the name of Monksholm; the ground extending westward over the higher bank on which the Almshouse was afterwards erected. The houses of the Trinity Friars were called Hospitals; the brethren being enjoined to use them for charitable purposes, and devote themselves to taking oversight of the poor. They were also required to apply a portion of their income toward the redemption of Christian captives from heathen slavery. The Hospital or Almshouse then established continued to prosper, and obtained many endowments from burgesses, as is shown by its rental roll "conteining the annual-rents and other duties, crofts, lands, and tenements whilk perteinit of auld thereto" for the behoof of "aigit decayit burgesses meet and qualifeit to be admitit in the society of the puir resident there—being single persons, naither having bairns nor wives." We have already seen that these funds were supplemented by the good old custom of sending honoured burgesses in rotation through the Church on Sundays and holy days with a vessel for the collection of offerings.

The alternate possession by England and Scotland of the town of Berwick, had made King Robert's gift of the revenues of Kettins Church of uncertain value to the Almshouse. After that town was finally ceded to England they may, however, have become of greater importance, but we do not learn much more regarding them. In the course of time the oversight of the Hospital and its endowments came into the hands of the Town Council; and it is probable that they, to meet pressing necessities, sold the Kettins' revenues in great part as they did the teinds of Longforgan at a later time, leaving only a portion unalienated. The records show that the feu mails of certain of the Temple lands of Kettins were being paid to the Chaplainry of St.

[1] Translation of the charter in Burgh Archives.

Thomas, of which the Council were patrons, up to the time of the Reformation.

We do not know when the Trinity Friars ceased to be associated with the Hospital, but, for a considerable time before the Reformation, the Town Council regularly appointed Almshouse masters to take charge of the house, and to collect and disburse its revenues; as also chaplains to minister to the spiritual wants of its inmates. It was long, however, until the Friars had ceased to be nominal collectors of the rents, for we find, in 1557, Margret Fothringam, relict of umquhile Richard Anderson, desiring to be relieved from payment of an annual "acclaimit to be uptaken out of her land be the brethren of Sanct Mathurines' Friary."

The Almshouse Chapel was honourably furnished, and the resident chaplain was suitably accommodated. Before the occupation of the town by the English in 1547-8, the altar ornaments and the other valuables in the house were carried away for safety, and hid in Inver-
1551. Aug. 3. gowrie. After the spoilers had gone, and the Council were beginning to restore such order as they could, they "decernit John Watson to deliver to the maister of the Almshouse ane silver chalice, and ane wardour bed with the curtains given be the merchants, with all other gear whilk he hes perteining" thereto; and shortly after, "John Watson of Ennergowry deliverit ane silver chalice, weighing auchteen unce spune and all," and "confessit that he had ane wardour bed with twa curtains of serge perteining to the Almshouse." The following year Sir James Wicht, chaplain of the Almshouse and of St. Colm's altar in the Church, a man much esteemed, resigned both his benefices to the Council in favour of Sir James Yong; and, at the time of his demission, delivered to the Almshouse master "thir precialles of gear perteining thereto:—Seven pairs of sheets, four of them hardin and three linen, four cods, twa vestments with frontells and corporalls, six servietts, twa chezabils, and ane mess buke, with the cod and ane stole."

The bell had also been put out of the way of "our auld enemies," and, when afterwards inquired for, it was found to be in possession of George Rollok, elder, the laird of Wallace Craigie—probably hanging on his house. So the "maister requirit James Lovell the treasurer to

deliver the Almshouse bell; whilk bell James grantit that he had lent to George Rollok, elder, and desirit the Bailies to cause George to deliver the samin immediately, or show ane reasonable cause why" he should not.

Here is an instance in which we find that the good intentions of a charitable woman toward the Hospital were nearly frustrated. In 1545, Elezabeth Barre, relict of Peter Ramsay, "being heavily vexit with the hand of God, proposit to have made ane fundation to the Almous house, and to that effect debursit five hundred merks in the hands of William Ker, gif sho inlaikit[1] to have been disponit conform to her latter will," and "in case sho convalescit to be warit.....as sho thocht expedient." Happily she recovered, and "aft and diverse times requirit William for her money, to be disponit be her to the pleasure of God as sho thinks expedient." He, however, refused to give up the money, meaning, no doubt, to use or misuse it as he thought proper, and she went for and obtained redress at the Supreme Court in Edinburgh; where, in March 1547-8, the Lords of Council charged William "to deliver to Elezabeth the five hundred merks deponit be her, to be warit upon the Almshouse conform to her mind."[2] The English invasion, however, disorganised the order of law, and it was not until several years had elapsed that she was able to carry out her good purpose. James Barry gave "seasing to the maister of the Almshouse, situate at the west end of the Flucargait, and to the puir and sick men thereof and their sucessors puir and sick men, of thir annual-rents:—Forty shillings to be tane up off ane tenement upon the Castle burn head, on the east of the Temple land of Sanct John; ane other rent of thirty shillings off ane land upon the north side of the Mercat Gait; and ten shillings off ane land upon the north side of the Kirk Wynd;" all in respect of "a certain soum of money payit to him therefor be Isobell Barry, relict of umquhile Peter Ramsay." 1553. May 2.

For some time in the middle of the sixteenth century the Almshouse master had charge over the funds provided for those afflicted with leprosy. That dreadful malady had by then considerably abated its early virulence, and lepers within the burgh appear to have been

[1] Died. [2] MS. Acta Dominorum Concilii et Sessionis, Vol. XXIII. fol. 133.

few. The house for the seclusion of these unfortunate persons stood at the east end of the town on the sloping river bank, not far from the lodges where those sick of plague were usually placed. It had, however, become ruinous and uninhabitable, and the Council resolved "that the annuals perteining thereto be kept in custody of the maister of the Almshouse to the profit and reparation of the samin, till the leper folk resort there and be placit efter auld use and consuetude." These annuals were derived from houses in the burgh. Two years later, "James Roche's land in the Murraygait is adjudgit to pay thirty pence to the maister for the leper house, because the Council hes admittit all annuals perteining to the leper house unto the Almshouse, till the leper house come to perfection." The house was not then put in order, but, in 1556, the necessity for this became imminent, and the Council "ordainit that the leper house now decayit, be repairit and biggit with sufficient houses for hospitalitie to the leper persons that beis admittit thereto, and that all annual-rents perteining thereto be restorit in the auld manner;" and "hes instantlie admittit Agnes Balfour, now vexit with the said malady." Probably leprosy had disappeared soon after this, for, in 1564, "the leper men's yaird"—also called "the sick men's yairds"—"with the privileges thereof," was leased for agricultural purposes at an annual rental of fifty-six shillings six pence.

1552. Ap. 26.

The Gray Sisters' Nunnery.—About the Convent of the Sisters of St. Clare, usually designated the Gray Sisters, we are almost without knowledge; there being no extant charters of its foundation or records of donations made to it, and even no certainty as to the site which it occupied. The Burgh Court registers, which tell us of the disposition of the lands and houses after its dissolution, do not inform us specifically where it stood, and Dr. Small and the author of "Dundee Delineated," can only say that its situation is unknown. Later writers have assumed that a house which stood until a recent time not far from the west end of Bank Street, and to which access was had from the Overgate by the Methodist Close, was really the principal building of the Nunnery; but this cannot be substantiated. Shortly before its demolition I went through this house

along with the late Andrew Jervise, and, after a careful inspection of it, agreed with the opinion of that learned antiquary, that it could not have been used as the abode of a community of female devotees. James Thomson, in describing it as the Nunnery, suggests that the date upon its walls—1621—only denoted the time at which it had been repaired. This may have been the case, but the general character of the building showed that it was really, in essential respects, only a good example of the domestic architecture of the period. A vaulted understructure supported a spacious hall, above which there was another apartment of similar size, and the upper floor was divided into chambers. The house was throughout fitted with convenient appointments and decorated with heavy carvings in wood and stone such as were then usual in the burghal residence of a baron, and it presented neither the ascetic bareness nor the gloomy aspect which characterised the place of a religious community. Certainly the Nunnery might have stood where it was, but, in the absence of any evidence, I must doubt even that. The rest of the Convents were outside of the burgh on free open ground, and this site, in addition to the objectionable proximity of the Gray Friars, was so hemmed about by old burghal dwellings that it could not have had the necessary seclusion and amenity. There, indeed, was not room for it anywhere between the Howff and Argylesgait. I find at the time of the Reformation the names of at least nine well-to-do burgesses who each had a tenement consisting of a land to the street and, in most cases, an inner land occupied as the owner's residence, with a garden bounded on the north by "the common yaird whilk some time perteinit to the Gray Friars." Amongst these residences that of Harbert Gledstanis, clerk and notary, a man who held an influential position in the town, and, in 1563, is designated "of that ilk," seems to correspond in position to the site in question; and it is likely that the house which stood till a recent time was the one he occupied, extended and improved at the time the date upon it indicates, so that we must look for the place of the Nunnery elsewhere.

"The lands callit the Gray Sisters' Acre," which were of considerable extent, lay "betwix the common gaits that passes to Innergowrie

and Blackness on the north and south parts"—that is between the Hawkhill and Scouringburn at their junction. These lands have usually been considered as only an outlying portion of the Convent property, but we may, I think, fairly conclude that the Convent itself
1560. Nov. 17. was within their enclosure. At the Reformation the Council let in one lease "all and haill the Gray Sisters' yairds and acre perteining thereto, with all the pertinents of the same;" and they besides disponed "all and sindrie the stanes and lime being in the walls within the outmaist dykes of the Gray Sisters"—a description which could not apply to the confined space about the building indicated. In 1581, long after the Nunnery was demolished, "The Gray Sisters' dykes"—which would not have been the enclosure of a mere corn field—were yet standing, and are named as the boundary of the playfield at the West Port; and we cannot doubt that upon the gentle acclivity within these walls, and overlooking the pleasant well-wooded valley through which the Castle burn flowed, the Nunnery of the Gray Sisters had been situated.

Besides the Abbey of Lindores the other important neighbouring religious houses derived part of their revenues from the burgh. Cupar Abbey possessed thirteen tenements in Dundee, from which it drew a rental of thirteen pounds eighteen shillings. One of these was an hospital or hospice, in which accommodation was maintained for lodging the Abbot and his attendants on their visits to the town. "At the feast of St. Mark, 1464, the garden of the hospital of Dundee belonging to said Convent, is let to John Syllyr for five years for annual payment of ten shillings, he sufficiently upholding the walls, and usual repairs of the garden."[1] John had not, however, kept the house in order, for "At Pentecost, 1469, the hospital of Dundee is let to William Tullach for one year on condition that he preserve all the roofs free from rain by sufficient roofing and cement; and the cellarer shall repair stairs and kitchen at the expense of the Monastery; and the Lord Abbot shall have the usual privileges for himself and his officers on their arrival."[2] In 1542, the tenant paid thirteen shillings four pence of rent, besides providing "all necessaries for beds, buirds, kechen with cayille [and]

[1] Roger's Rental Book of Cupar Abbey, I. 147. [2] Ibid. I. 145.

harbis, and stable, and twa cellaris in the place, conform to his common seal."[1]

We find that after the burning of the town an agreement was entered into under which the rents payable to the Abbey appear to have been reduced as were the others. "Ane venerable father in God, Donald, Abbot of Cowper," (a brother of the Earl of Argyle, and one who had taken a leading part in national affairs, especially in supporting the Earl's policy), "made ane contract with David Ductor" for this, and cautioners gave security before the Bailies "for fulfilment of all the points conteinit therein." On the eve of the Reformation the Abbey rents became difficult to gather, and "Donald, Abbott of Cowper," (having now dropped the rest of his designation, for he was favourably disposed to the new doctrines, and had already doffed his gown, as we learn from Sir James Crofts who, writing of him, says, "The Abbot hath refused his habit and taken upon him secular weed,"[2]) came into court and "constitute Harbert Gledstanis and James Rollok," procurators for him; and the Bailies assigned a day "to the tenants and freeholders of the lands awing annual-rents to the Abbot to answer to his claim." 1555. Oct. 30.

The rents payable to the Abbey of Scone having been long in arrears, strenuous exertions were made to recover them. "Dane Henry Abercromy, the Prior and chalmerlane," appointed factors "to pursue all annual-rents awing to the Place of Scone be ony of the inhabitants," and the Bailies assigned a day to those "awing annuals to the Place" to answer the Prior's claim. No progress was, however, made in effecting a settlement, and the following year he came again to the court, and charged three feuars for twelve years' annuals "awing sen the Mertymes term inclusive in anno 44"—the year of the great plague. After some litigation, an agreement was arrived at under which Dane Henry paid them a sum "in numerate money," for "the redemption of the deduction of the feird part of the annuals made be the Lords of Council upon brunt lands;" and the feuars settled their arrears and became bound "to thankfully pay to the Abbot and Convent in all time coming" their former annual-rents. Not many payments had, however, been made, for the spoliation of the Nov. 14.

[1] Roger's Cupar Abbey, II. 205. [2] MS. Letter to the English Council, Appendix D.

Place of Scone was almost the first destructive act of the reformers, and thereafter the Abbey was unable to exact the rents of others or pay its own. There was a house with a garden upon the river bank provided for the use of the Abbot when he came to the town, and this was now lying deserted, with no one to own it or pay the dues exigible from it. In 1560, the collector of annuals showed the Bailies that "ane annual-rent of ten shillings [is] awing to the town be the space of ten years, furth of the land perteining to the Abbot and Convent of Scone on the south side of the Flukergait, betwix the land of ane noble and michtie Lord, Earl Rothes at the west, the land of George Rollok at the east, and the said Abbot's yaird at the south;" and the necessary measures were taken for obtaining legal possession of the property for behoof of the town.

The Abbey of Balmerino across the Tay also had a hospice in Dundee for the accommodation of its Abbot. This house probably stood between the Castle and Tindal's Wynd. About the end of the thirteenth century "Abbot William and the Convent granted for the convenience of their house, to William Welyeuyth and his heirs that piece of ground lying between the ground of Roger del Wend on the east, and the Vennel on the west, which Norman of Castle Street *(de vico castellano)* gave to them in charity.....The *reddendo* to be eleven shillings of good and legal sterlings annually.....And the said William and his heirs shall provide for us and our successors sufficient hostilage on the said ground as often as we, or any of our brethren, may happen to repair to the said burgh on the business of our House."[1] The Abbey drew some of its rents from Dundee,

1554. Oct. 30. and these were subjected to the general deduction. "Dane John Bonar for the Abbot and Convent of Balmerinock, grantit him payit of all annuals awing of Sanct Mark's tenement in the Flukergait, and to require nae mair in all time to come but twelve shillings yearly." Legal action had, however, to be taken for the recovery of part of them. Sir James Yong refused to pay an annual from the land of his Chaplainry, but the factor for the Abbey "producit in judgment ane charter purporting that Sanct Colm's land in the Flukergait is awing to the Abbot and Convent thirty pence yearly,

[1] Chartulary in Campbell's Balmerino and its Abbey, 94.

whilk wes admittit be the Bailies ane sufficient probation." Maister James Scrymgeour likewise refused to pay "ane annual-rent—now defalkit to eight shillings six pence because the land wes brunt—awing to the Abbot and Convent of Balmerinock be the space of twa years;" and this having been proved to the Bailies, they ordained "officers to pass and distrenze the readiest guids and gear being upon the land;" on which "Maister James, present in judgment, confessit and consentit to the giving thereof."

CHAPTER VI.

EARLY REFORMERS.

Persecution of heretics in Scotland—A number of persons in Dundee banished for heresy—A Dundee martyr—Friars denounce the errors of the Church—The dissemination of controversial books—An old printer.

Long before the Reformation was effected in Scotland, questions had arisen regarding the infallibility of the Pope, and the certainty of the dogmas by which the Church directed the Christian life and worship. These were first publicly raised by James Resby, a scholar of Wycliffe, and he, for the declaration of his opinions, suffered death at Perth in 1408. Twenty-four years later Paul Crawar, a Bohemian physician, made public protest against certain tenets of the Church, for which, at St. Andrews, he was likewise put to death. The doctrines of the Lollards met with partial acceptance, and made some progress in the country. John Knox tells us that, in 1494, thirty persons, men and women, in Ayrshire were called before James IV. and his Great Council to answer the charge of having adopted these heresies. They were not, however, convicted, "partly by the King's heart inclining to gentleness, and partly by their bold and godly answers to their accusators." And he adds, "After that diet we find almost no question for matters of religion for the space of near thirty years."[1] The next important event recorded in the progress of the Reformation is the martyrdom of Patrick Hamilton at St. Andrews, in 1528, "for denying the institutions of the halie Kirk, and the authority of the Pope."

There are, however, earlier instances in the sixteenth century of the prevalent spirit of intolerance in Scotland. I find that a number of persons in Dundee, mostly women, were by a Justice-ayre

[1] Hist. of the Reformation, 65.

convicted and punished for an offence which is not named, but which, there can be little doubt, was heresy. The Burgh Court record simply says:—"Thir persons are banishit, the whilk was fundin be the Gret Assize past thereupon before, under the pain of burning of their cheeks that bides efter proclamation; Jonet Robertson, John Wilsone, John Shiphird's wife, John Huntar's wife, tailzor, Anne Pipar, Katte Man, David Sowetone, James Taborman's wife, John Lesle in Spalding's Wynd, James Barny's wife, younger, Anne Piot, Crowtan[1] Wille Barry, Andro Ferquhar, Jonet Galmudar, Katte Davidson and her woman, Bachiler Webster's wife and her marrow,[2] John Wodd's son, [ ] Ferguson's wife, creelman,[3] Andro Kuk and his wife, Mamei's Dochter, with her Thom Gardyn, Megy Gray and her sister, Male Cuthbert, Megy Low her aunte, Megy Murray, Madde that dwelt on John Wilkeson's stair in the Segait." These sentences were, no doubt, enforced, for seven weeks later, when it was found that one of the women had not gone off, "James Taborman has bundin him for his wife—the whilk was banishit—that an sho remove her nocht clarly out of this burgh betwix this and this day eight days, he sall underlie the samin pain that sho suld incur." "Jonet Rund, James Tawburar's wife," was, however, an unquiet woman, for we find that not long before this she "stroublit" and assaulted a neighbour, for which she had to bear the ignominious decoration of "the tolbuith beads through all the town, and to pay the leech." The following year the Assize punished several other persons:—"Thir banishit; Grene Mantill, Mege Robertson, Elene Gullane, Jonet Low, James Burns' wife and her sister, Mege Clerk, Symon Gurde and his wife."

1521. Dec. 11.

1522. Nov. 16.

In 1534, David Straiton of Whitston, who was closely connected with Dundee, having valuable property in the burgh, and probably living there, was put to death for heresy. John Knox, from whom we learn particulars regarding him, does not tell us anything about his friends or place of birth, but says he was "a gentleman who had a hatred against the pride and avariciousness of the priests." In early life "he had been a man very stubborn, and one that despised all reading, chiefly of those things that were godly;" but latterly "he

[1] Croaking. [2] Companion. [3] A carrier of coals.

appeared to be changed, for he delighted in nothing but in hearing of reading (for himself could not read). He frequented much the company of the Laird of Dun," and of the Laird of Lawristoun. The first occasion of his trouble with ecclesiastical courts was that "he had made himself one fish-boat to go to the sea," and when "the agents of the Prior of St. Andrews urged him for the tithe thereof, his answer was, If they would have tithe of that which his servants gained in the sea, they should come and receive it" there; and, "it was affirmed, he caused his servants to cast the tenth fish into the sea again. Process of cursing was led against him for not paying such tithes; which when he contemned he was summoned to answer for heresy." He compeared in judgment along with Normand Gourlay "in the Abbey Kirk of Holyroodhouse, the King himself, all clad in red, being present. Great labour was made that David Straiton should have recanted and burnt his bill; but he, ever standing at his defence, alleging that he had not offended, in the end was adjudged to the fire." He asked for grace of the King, who would have granted it but for the Bishops. "And so he and Mr Normand, after dinner upon the 27th August, were led to a place beside the Rood of Greenside, and there hanged and burned."[1] From the accounts of the Lord Treasurer we learn that "the tenements in the burgh of Dundee belonging to the Crown by decease of David Straiton of Whitston, sentenced to death for certain heresies," were granted to David Gardin, burgess of Dundee, and Marion Erskin, his spouse, on paying a composition of twenty-eight pounds; and the Register of Privy Seal shows that in March 1538, they obtained a charter of "that tenement with its pertinents lying on the north side of the Murraygait, of which David Straton was proprietor before it reverted to the King by forfeiture for certain points of heresy of which he was accused and justified to the death."[2]

"To the same diet were summoned others, of whom some escaped into England, and so for the present escaped that death." Several of those whose goods were forfeited made composition for the escheat. The Register shows that a number of Dundee burgesses who had been "convict be ane sentence of the spiritual judge of heresy, of

[1] Hist. of the Reformation, 77. [2] Trans. in Thomson's Hist. of Dundee, Ed. 1874, App.

the whilk they were dilatit and abjurit, whairthrough all their guids perteins to our Soverane Lord.....for gude, true, and thankful service done to his Highness, and [for the payment of various sums in] composition be them to his treasurer," were forgiven the escheat of their goods; "and rehabilit to stand in proof and witness, and to use and exerce all leful deeds in judgment and outwith," and "restorit to their gude fame, heritage, lands, guids, and warldlie honours in all things as they were before the time they were convict of heresy."

Some of those belonging to the religious communities in Dundee, feeling that there was good occasion for the use of free speech, and regardless of consequences, boldly denounced the corruptions in the Church. Knox tells us how William Arithe, one of the friars, in a sermon preached in the town about 1530, mocked sarcastically at the manner in which churchmen misused their function of cursing; and "spake somewhat more liberally against the licentious life of the Bishops than they could well bear;" and, "concerning miracles, said that priests [by their] greediness not only receive false miracles, but also they cherish and hire knaves for that purpose, that their chapels may be the better renouned, and offerings may be augmented."[1] Alexander Seton, "a black friar of good learning and estimation," probably also belonging to Dundee, at St Andrews "for the space of a whole Lent taught the commandments of God only, ever beating in the ears of his auditors that the law of God had not of many years been truly taught; for men's traditions had obscured the purity of it." Thereafter "he passed to Dundee, and one in his absence condemned the whole doctrine that he had taught, which, coming to the ears of friar Alexander, then being in Dundee, without delay he returned to St. Andrews, caused immediately to toll the bell and give signification that he would preach, as he did indeed," and affirmed all that he taught before; "adding, that within Scotland there were no true Bishops, if Bishops should be known by such notes and virtues as St. Paul requires."[2] It was dangerous to promulgate such doctrines. Knox says that in 1544, "John Roger, a black friar, godly and learned, and one

[1] Hist. of the Reformation, 72. [2] Ibid. 74.

that had fruitfully preached to the comfort of many in Angus and Mearns," was, by orders of Cardinal Beaton, "murdered in the ground of the Sea tower in St. Andrews, and then cast over the wall;" after which a report was spread "that John, seeking to flee, had broken his own neck."[1]

The dissemination of books which followed the invention of printing, by promoting the formation of free opinion, cleared the way for the progress of the Reformation. The Bible, which had hitherto been a sealed book to the people, was now, in Tyndale's translation, stealthily imported into Scotland, and it began to be furtively read. To receptive minds the special effect that followed was a strengthening of the judgment, and a recognition of the individual conscience and its responsibilities which naturally led toward the great result. Knox says that "the knowledge of God did wonderfully increase within the realm, partly by reading, partly by brotherly conference, which in those dangerous days was used to the comfort of many; but chiefly by merchants and mariners who, frequenting other countries, heard the true doctrine affirmed, and the vanity of the papistical religion openly rebuked; amongst whom were those of Dundee and Leith principally, against whom was made a very strait inquisition by David Beaton, cruel Cardinal, and diverse were compelled to abjure and burn their bills."[2]

We find in the Burgh Court records some information regarding the manner in which controversial books upon the great questions which then excited the public mind were introduced into the town. James Rollok, an enterprising Dundee merchant, was one of the burgesses who embraced the reformed doctrines, and were convicted "and condemned for certain heresies." He had not judged it prudent to appear before an ecclesiastical tribunal, and fled to Holland, where he established himself in business at Campvere. From the Lord Treasurer's accounts we learn that his brother David thereafter made a composition on the escheat of his property, paying "one moiety of twenty pounds;" and the Register of Privy Seal shows that, in 1538, he obtained "the gift of all guids, heritages, debts, tacks, steadings, corns, cattle, money, gold, silver, jewels, and others whilk

[1] Hist. of Reformation, 92. [2] Ibid. 78.

perteinit to James Rollok, and now perteining to our Soverane Lord be reason of escheat through being of the said James fugitive frae the law for certain points of heresy imput to him." At the same time Walter Scrymgeour of Glasswell obtained "the gift of the tacks whilk James Rollok, burgess of Dundee, had of the common mill and windmill of the burgh."

At Campvere there was for long a trading community of Scotsmen which exhibited much enterprise and held important commercial privileges. James Rollok during his residence there had risen into a good position among his compatriots, for we find him designated "Portar of Camfeir," an office probably the same as that entitled "Conservator," which placed the holder at the head of the community as guardian of the common privileges. In 1544, while he was abroad he bought a number of books from John Maillier, printer at the White Bear in Botolph's Lane near Billingsgate, London, a scholar and a zealous reformer who, in 1541, was in trouble on account of the Six Articles, "and for being a sacramentary and a railer against the mass."[1] The books which issued from his press were mostly of a controversial character written to support the reformed doctrines,[2] and such, no doubt, had been those which Rollok bought. Through inadvertance, probably, the payment of them had not been entered by the printer, and some time after Rollok's return home, which took place before 1551, they appear to have again been charged to him. On this "James Rollok, elder, producit before the Bailies ane acquittance written be John Maillar, citinar of London, of the date as follows:—'The 24th day of Junij in

1555. Nov. 12.

[1] Foxe's Martyrs, edit. 1641, II. 532.

[2] The late Mr William Blades, to whose careful bibliographic research I am indebted for information regarding this old printer, says that he spelled his name variously—Maler, Mayler, Maylers, and Maylars. The books he printed, most of which Mr Blades found in the British Museum, are "The Prymer in English and Latin," 8vo. 1539; "A Manuel of Prayers," 8vo. 1539; "New Testament in Latin," 4to. 1540; "Hore Beate Marie Virginis," 16mo. 1541; "Christen Matrymonie," 8vo. 1542; "Ioyfull new Tidynges," 12mo.; "Basille (Theodore) A pleasaunt new Nosegaye full of many godly & swete flowres," 8vo. 1542; "A Necessary Doctrine," 8vo. 1543; "The Christmasse Banckette," 8vo. 1543; "A Potacion, or drinkynge for this holy time of Lent," 8vo. 1543; "The true defence of Peace," 8vo. 1543; "The Christen state of Matrimonye," 8vo. 1543; "David's Harpe," 8vo. 1552.

the year of God 1544 years; I, John Mailere, prenter in London in Sanct Bottellis paroch, grants me weill contentit and payit of all soums of money awing to me be James Rollok, Portar in Camfeir, and in special of ane obligation owing to me be the said James of seven pounds Scots and odd money, for certain bukis bocht and receivit frae me be the said James, of the which soums I discharge the said James and all others in his name. In witness of the which I have written and subscrivit this my acquittance and discharge by my hand and signet by me John Maillier, same day and year of before said.'" Notwithstanding the production of this receipt the charge was not departed from, and about a month later James Rollok compeared at the instance of John Guthre (who seems to have held authorisation from the printer), "and producit John Mailler's acquittance, and desirit ane absolvotor of the soum conteinit in the samin, and thereupon requirit act in court."

CHAPTER VII.

GEORGE WISHART.

His early life—In Bristol—In Cambridge—He visits Dundee—His preaching incites to the spoiling of Monasteries—Is ordered to leave the town—Returns on the visitation of the plague—His benevolent mission—He is seized by Cardinal Beaton's emissaries—Is burned at St. Andrews—Has been charged with complicity in a plot for assassinating Beaton—Opinions of historians on this—The charge not applicable to him but to another—Evidence of this—Vindication of the Martyr's memory.

The progress of the Reformation in Scotland was much forwarded by the fervent zeal, the self-denying labours, the christian charity, and the heroic death of George Wishart, who occupies a short but eventful chapter in our domestic annals. He was a cadet of the family of Wishart of Petarro in the Mearns, a nephew, probably, of James the laird, who, in 1513, was appointed to the office of Lord Justice-Clerk. The time of his birth is uncertain, but it is usually set down as having been about 1514. At an early age he for some time was at school in the neighbouring town of Montrose. Subsequently he attended classes at King's College, Aberdeen, and thereafter occupied the place of classic master in the Grammar School of Montrose. Having, however, been pursued for heretical teaching, he left that town and, finding his way into England, obtained a position as preacher in Bristol. There the soundness of his teaching was again called in question, and, having been accused before the Archbishop of Canterbury for promulgating erroneous doctrines, he was convicted, and for penance was "enjoined to bear a faggot in St. Nicholas Church;" a punishment "which was duly executed in form foresaid."[1] After this he went abroad, and remained for two years in Germany and Switzerland, where he

[1] Quoted by M'Crie from "The Bristol Mayors' Kalendar."

probably consorted much with the eminent early reformers in these countries. Thereafter, returning to England, he, in 1542, entered himself of Bennet's College, Cambridge.

We have a beautiful picture of the simple, earnest, and self-denying student at College, in a letter written by his friend and pupil Emery Tilney, who shared his room there. This letter, which is printed in Foxe's Martyrology, says, "He was a man of tall stature, melancholye complexion, black haired, long bearded, comely of personage, well spoken after his country of Scotland, courteous, lowly, lovely, glad to teach, desirous to learn, and was well travelled; having on him never but a mantell frise gowne to the shoes, a blacke Millan fustian dublet, and plaine black hossen, coarse new canvasse for his shirtes, and white falling bandes and cuffes. All which apparell he gave to the poore..... saving his Frenche cappe, which he keeped the whole yeere..... He was a man modest, temperate, fearing God, hating covetousnesse, for his charitie had never end.....He lay hard upon a pouffe of straw [and] coarse canvasse sheets, which, when he changed, he gave away. He had commonly by his bedside a tubbe of water in the which he used to bathe himself. If I would declare his charitie to the poor in giving, relieving, caring, helping, providing, yea, infinitely studying how to do good unto all and hurt to none, I would sooner want words than just cause."

In July 1543, Wishart returned to Scotland in company of the commissioners who had been negotiating with Henry VIII. for the marriage of his son Edward with the infant Queen Mary. Shortly after his return he came to Dundee, "Where," Knox tells us, "with great admiration of all that heard him he taught the Epistle to the Romans." During his stay in the town and neighbourhood the influence of his eloquence caused great excitement. Already there was an inimical feeling toward religious communities, as was manifested in 1536, by an indignity done to a wooden figure of St. Francis, the revered founder of the Franciscans or Gray Friars, which, probably, stood outside of the Monastery. The perpetrators of the outrage could not be found, and the Lord High Treasurer's accounts show that twenty shillings were paid "to the wage of James Bissatt, messinger, to pas with letteris to the Provost and Bailies of Dundee and Sanct

Jonestoune to serche and seik John Blacat and George Luwett, suspect of the hangeing of the image of Sanct Francis."[1] The words of the preacher in describing the purity and simplicity of the primitive Church, had stimulated the popular feeling against the monasteries, and, no doubt, led to the riotous and wanton spoliation of their property which thereafter took place. Sir Ralph Sadler tells us "that the work began at Dundee by destroying the houses both of the Black and Gray Friars; and that afterwards the Abbey of Lindores was sacked by a company of good christians, as they were called."[2] Another contemporary writer says, "In this time there was ane great heresy in Dundee; there they destroyed the kirks, and would have destroyed Aberbrothoc Kirk were [it] not the Lord Ogilvie."[3] The injury done to the religious houses by this iconoclastic riot had not been of such a serious nature as these writers represent. The buildings were not destroyed, although the decorations and images were; and great part of the furnishings and provisions of the friars was carried off. In a comprehensive indictment which was afterwards laid against a considerable number of the inhabitants, among other offences, they are charged with having, "on the last day of August 1543," been "art and part in the oppression committed on the Friars-Preachers and Minorites of Dundee, by coming to their Places within the burgh with convocation of the Queen's lieges in great number, armed in warlike manner, and there breaking up the doors and gates of the Places, and breaking and destroying the ornaments, vestments, images, and candlesticks, carrying off the silvering of the altars, and stealing the bed clothes, cowls, etc., victuals, meal, malt, flesh, fish, coals, napery, pewter plates, tin stoups, etc., which were in keeping of the said Places." It was not until 1552 that the indictment for this and other offences was formally prefered.[4] Calderwood refers to it as a charge against "some citizens of Dundee, for breaking the gates and doors of the Black Friars, and carrying away chalices, vestments, and the Eucharist."[5]

In the beginning of 1544, what has been called the Black Kalendar

[1] Pitcairn's Criminal Trials, I. 286.
[2] Hamilton Papers.
[3] Diurnal of Occurrents.
[4] MS. in Burgh archives, Appendix B.
[5] Hist. of the Church, I. 175.

was held at Perth and at Dundee by Regent Arran and Cardinal Beaton, when some men and a woman were convicted and cruelly put to death for calling in question the dogmas of the Church. The diarist gives an account of this in few words. "Upon the 28th day of Januar, the Governour and his Lords past to Sanct Johnstoun and Dundee, and brunt mony lymmeris[1] in the said tolbuiths."[2] Wishart had powerful friends in the town and its neighbourhood, and it was probably through their connivance and protection that he was able to elude this Assize. He was, however, interdicted from continuing his labours; but, as he had the countenance of the Town Council, he refused to pay regard to this. The first charge made against him at his trial in St. Andrews bears, "That when thou preachedst in Dundee, and was charged by my Lord Governor's authority to desist, nevertheless thou wouldst not obey, but persevered in the same; and, therefore, the Bishop of Brechin cursed thee and delivered thee into the devil's hand, and gave thee then commandment that thou shouldst preach no more; yet, notwithstanding, thou didst continue obstinately." Ultimately, through influence which was brought to bear upon the burghal rulers, they ordered him to quit the town. We follow the account of his expulsion as given by Knox. "By procurement of the Cardinal, Robert Myll, then one of the principal men of Dundee, and a man that of old had professed knowledge and for the same had suffered trouble, gave, in the Queen's and Governor's names, inhibition to Mr George that he should trouble the town no more, for they would not suffer it." This order was given to him in St. Mary's Church. When he heard it "he mused a pretty space with his eyes bent unto the heavens; and thereafter, looking sorrowfully to the speaker and unto the people, said, 'God is witness that I never minded your trouble, but your comfort; yea, your trouble is more dolorous unto me than it is unto yourselves; but I am assurred that to refuse God's Word, and to chase from you His messenger, shall not preserve you from trouble.'" When he had spoken, "he came down from the preaching place. In the Church present was the Lord Marshal and several noblemen, who would

[1] Lawless persons. [2] Diurnal of Occurrents.

have had Mr George to have remained, or else to have gone with them into the country; but for no request would he either tarry in the town or on that side Tay."[1]

Robert Mylne, belonged to a family which occupied a good position in Dundee and its neighbourhood, and possessed, besides property in the burgh, the Mylton of Craigie, Gotherston, and other lands. He is probably the Robert Myll whom we find, in 1522, wrongfully charged with disturbing a wapinschaw. At the time he carried the inhibition to Wishart he was one of the Town Council, and the following year was placed in the office of Provost, as also, for a short period, in 1548. After his death, in 1552, his son, as we shall see, gave the Council a statement of disbursements made upon his estate, which is of much interest as illustrating the social life of the time. From his family sprang the Mylnes who, in succession almost hereditarily, held the office of King's master mason for Scotland, and, in later times, produced many distinguished architects.

In 1544 and the following year the plague, that ghastly terror of the Middle Ages, visited Scotland with much severity. A writer in August of the latter year says, "In this tyme the pest was wonder greit in all borrowstowns of this realm, whair mony peipil deit, with greit skant and want of victuals."[2] Dundee was stricken early with the malady, and the infliction was very heavy. Knox tells us that when word reached Wishart "that the plague of pestilence began four days after that he was inhibited preaching, and was so vehement that it past almost credibility to hear how many departed every four-and-twenty hours," he "took his leave of Kyle, and that with the regret of many; his reason was, 'They are now in trouble and need comfort; perchance this hand of God will make them now to magnify and reverence that word which before, for the fear of men, they set at light price.' Coming unto Dundee.....he delayed no time, but even upon the morrow gave signification that he would preach; and, because the most part were either sick or else were in company with those that were sick, he chused the head of the East Port of the town for his preaching place; and so the whole stood or sat within, the sick and suspected without the port or gate. The text upon the which his

[1] Hist. of Reformation, 93. [2] Diurnal of Occurrents.

first sermon was made, he took from the Hundred and Seventh Psalm, 'He sent his word and healed them,' and therewith joined these words, 'It is neither herb nor plaister, O Lord, but thy word healeth all;'" and he spoke so earnestly and eloquently thereon that "he raised up the hearts of all that heard him."[1]

This is a grand picture of an ever memorable event which brightened up the old burgh in its darkest days of trouble. The people have gathered in the open space on both sides of the Port in the Seagate. Within are those who have hitherto escaped, now come in terror out of the desolated town, wondering if they may yet hope to elude the enemy. Without are such of the infected as could be carried from the Sick Men's Yards, or from the place of prayer at the Chapel near by dedicated to St. Roque—that other good man who spent his life in ministering to the plague-stricken—all eager to hear if a message of comfort and hope had indeed been brought to them. On the head of the gray archway, as it were between the living and the dying, stands the preacher in long frieze gown and black fustian doublet, his dark hair and beard streaming in the wind; and, as with silvery and resonant voice he proclaims his message of peace, of comfort, and of hope to the terror stricken and suffering people, the tall form and comely features of that usually quiet and melancholy man, become instinct with energy and eloquence that impart to his words the power of conviction. This scene has been carried down in the hearts of successive generations, and has indissolubly associated the honoured name of George Wishart with the domestic annals of old Dundee.

But he was not satisfied that he had done his duty to the sufferers when he thus preached to them from the head of the archway. He went among the sick, "he spared not to visit them that lay in the very extremity, he comforted them as he could, being such a multitude; he caused minister all things necessary to those that could use meat and drink, and in that point the poor was no more neglected than was the rich." In this practical Christian work he was
1554. Nov. 12. assisted by at least one benevolent neighbour, who came of a bountiful race, the memory of whose good deeds was not soon forgotton. "The

[1] Hist. of the Reformation, 94.

Council hes grantit and given to George Spalding, son and heir of umquhile William Spalding, three burgesships for certain meal distribute be umquhile William to the puir folks in the year of 45, in time of the grite pest."

Notwithstanding Wishart's beneficent and merciful labours, the historian, on what we would fain hope is erroneous evidence, asserts that his enemies did not even then forego their evil designs against him. "The Cardinal corrupted by money a desperate priest named Sir John Wighton, to slay Mr George." And "upon a day, the sermon ended and the people departing, the priest stood waiting at the foot of the steps [of the Port], his gown loose, and his dagger drawn in his hand under his gown." But the preacher, "most sharp of eye and judgment, marked him as he came near," and seizing his hand disarmed him. Then, when the people in their indignation would have had vengeance on the intended assassin, he took him in his arms to protect him from their violence, and let him go.[1]

The regard which he had for Dundee kept the Reformer there till "the plague was so ceased that almost there was none sick." When leaving "he said that God had almost put an end to that battle." After a visit to Montrose, and to his friends the Laird of Kinneir and John Erskine of Dun, during which time Beaton's emissaries made an unsuccessful attempt to capture him, he returned south by way of Dundee, where, however, he did not stay, but "passed to the house of a faithful brother, named James Watson, who dwelt in Innergowrie, distant from the town two miles." There he passed the night, and had such mental and spiritual wrestlings as almost overcame him when he looked into the future and seemed to foresee his early death. This Knox relates on the authority of John Watson, a relative of James, "and a man of good credit," who had such a friendly disposition toward the town that, as we have seen, when the English held it in possession he hid the Almshouse plate in his house, and so saved it from their spoliation. The Martyr's premonitions were too surely verified. He went to the south and laboured for a short

[1] Hist. of the Reformation, 95. I do not find the name of this priest among those ministering in the Church in 1550. If he really contemplated the attempt on Wishart's life, we may conclude that he had afterwards left the town.

time at the work on which he had entered; but was seized at Ormiston and put into the hands of the Cardinal's subordinates, who carried him to St. Andrews. There he was brought to trial for heresy before an ecclesiastical tribunal in the Abbey Church, and, having been found guilty, was, on the following day, 28th March 1546, publicly burned in front of Beaton's Castle on the sea shore.

A shadow has come over the memory of George Wishart by reason of a grave suspicion which has arisen and, in the course of time, grown into a positive allegation that he was associated with certain conspirators in a plot—which, no doubt, had been devised, although not carried into effect—for the abduction or murder of Cardinal Beaton. In the opinion of some historians this allegation has been proved, and a controversy has arisen thereupon which, although it has not resulted in substantiating the charge to the common belief, has yet failed in altogether removing the suspicion and vindicating his good name. I think I shall be able to prove that this charge is not applicable to Wishart the Martyr, and that his pure and simple character has not been stained by any complicity with such a vile conspiracy.

The position which Beaton occupied as Chancellor and ecclesiastical ruler in Scotland, clothed him with almost supreme power. He exercised this power with so much intolerance against those who differed from him, and pursued with such merciless virulence whoever dared to call in question the dogmas of the Church or denounce its abuses, that his rule became obnoxious not only to conscientious reformers and haters of tyranny, but also, and in especial, to the many politicians who desired change for selfish ends, and hoped that when the Reformation came they would be able to aggrandise themselves out of ecclesiastical spoil. It is not, therefore, surprising to find that in this season of change and unrest, a plot was devised against the liberty and the life of a tyrant who had made himself so many enemies, and had no other method of opposing public opinion than the use of arbitrary violence. In a foremost place among the conspirators was his arch-enemy that unprincipled reformer Henry VIII. who, by the Earl of Hertford,

his General, and Sir Ralph Sadler, his Ambassador, stimulated the plotters in Scotland to carry out the enterprise, although he himself was too diffident to desire to have any credit in the transaction.

The first notice which we obtain of this plot, and of Wishart's complicity in it, is contained in a letter from Hertford at Newcastle to the King at Greenwich, dated 17th April 1544, which says, "Please it your Highnes to understonde, that this day arryved here with me a Scottish man called Wysshert, and brought me a letter from the Larde of Brunstone, which I sende your Highnes herewith. And, according to his request, have take[n] order for the repayre of the saide Wysshart to your Majestie by post, both for the delyvere of such letters as he hath to your Majesty from the said Brunston, and also for the declaration of his credence, which (as I can perceyve by him) consisteth in two poyntes; one is, that the Larde of Graunge, the Master of Rothes th Earle of Rothes eldest son, and John Charters wolde attempte eyther to apprehende or slee the Cardynall at some tyme when he shall passe through the Fyf land, as he doth sondry tymes to St. Andrewes; and, in case they can so apprehende him, woll delyver him unto your Majestie; which attemptate he sayeth they wolde enterprise if they knew your Majesties pleasure therein, and what supportacion and mayntenaunce your Majestie wold mynister unto them after th execution of the same, in case they shulde be pursewed afterwardes by any of theyr enemyes." The other point was that, if the King gave them support, they would join the Earl Marshal and others, and destroy the Abbey and town of Arbroath, being the Cardinals' and all the other Bishops' and Abbots' houses on that side the water. "And for th execution of these thinges, the saide Wisshert sayeth that the saide Erle Marshall and others will capitulate with your Majestie in writing under theyr handes and seales. This is the effect of his credence."[1] In terms of the proposal here made, the emissary was sent forward and had an audience of the King, whereof Hertford was informed in a despatch from the English Council, which says, "Furthermore, your Lordship shall understand that Wishart, which came from Brunston, hath been with his Majesty, and for his credence declared even the same matters in substance

[1] State Papers, Henry VIII., Vol. V. Part IV. 377.

whereof your Lordship hath written, and hath received for answer touching the feat against the Cardinal, that in case the Lords and gentlemen which he had named shall enterprise the same earnestly, and do the best they can to the uttermost of their power to bring the same to pass in deed; and thereupon, not being able to continue longer in Scotland, shall be enforced to fly into this realm for refuge, his Highness will be contented to accept them, and relieve them as shall appertain."[1]

Upon no other evidence than this—for there is none other—several of our historians have fixed upon George Wishart the Martyr—who certainly knew both Crichton of Brunston and the Earl Marshal—as being the "Scottish man called Wysshert" who was the confidential emissary in this wicked conspiracy. Dempster, who, however, is an unscrupulous partisan of the old Church, asserts positively that he had joined the conspiracy for putting the Cardinal to death, and that he justly suffered for his wicked schism and presumptious blasphemies;[2] Mackenzie considers that the charge is substantiated; and Tytler, in giving the particulars of the plot, has no hesitation in fixing upon the Reformer as the associate of Crichton of Brunston, "his great friend and protector," and the others in Scotland and England who had devised Beaton's assassination. Burton, in reviewing the circumstances of the affair says, "There were other Wisharts in those days, and, as they cannot be identified, it were better that the scandal should lie generally among them. It is, however, likely that if there had been another Wishart so important as to have close communication with Hertford, Sadler, and other statesmen, and to get private audience of Henry VIII., he could be identified. To the observer from without, Wishart the Martyr is part of the group occupied in the affair; removing him from that group breaks it up almost more than the removal of any other."[3] Similarly, Froude, while admitting that "Wishart was a common name in Scotland, and the evidence, therefore, can amount but to a vague probability," says, "I see no room to believe that the Martyr of St. Andrews was so different from his Protestant

[1] Hamilton Papers, 96.
[2] Historia Ecclesiastica.
[3] Hist. of Scotland, III. 261.

countrymen as to have been unlikely to have been the messenger of Hertford, or to have sympathized cordially in the message."[1]

To clear the memory of George Wishart from this foul stain other historians have offered such evidence as could be found. It is shown that there is no record of his absence, or probable absence from Scotland at the time the emissary passed between the conspirators; that he had no occasion of quarrel with the Cardinal; and that, although he had, it is quite incredible that one who, by the testimony of those that knew him, was so charitable and so pure, could have belied the teachings of his life and joined in so miserable and bloody a scheme. Further, that if such a charge could have been made against him it would have held a foremost place in the indictment at St. Andrew's on which he was convicted and burned. Besides recapitulating these arguments, David Laing says that in the Burgh Archives of Dundee he had met with the names of three others, any one of whom may have been the go-between in the conspiracy. First, George Wishart, one of the Bailies in 1560; second, "George Wishart, brother-german to John Wishart of Petarro, who appears, in 1565, as one of the procurators in a matter concerning (third), George Wishart, esquire of the Cross of the King of France."[2] The first and the second of these were the same person, and I think I will be able to show that, in all probability, he, and not the Martyr, was the promoter of the conspiracy.

The difficulty which historians have experienced in settling the relationship between the Reformer and James Wishart, the laird of Petarro, has evidently arisen from the circumstance of there having been in that family two cousins of the same name whose identity had become confused; the one the Martyr, the more distantly related, a nephew probably; the other he of whom we now speak, a younger son, and the brother of John the succeeding laird. This George Wishart had likely received his primary education at the school in Montrose where the Reformer was taught; and, as we know that he was sufficiently learned to be reckoned a competent judge of the proficiency of a teacher, it may be surmised that this had been enlarged at college, so as to enable him to enter the world

[1] Hist. of England, IV. 28. [2] Appendix to Knox's Works, I. 534.

a good scholar, although only possessing a younger brother's portion. We do not have any particulars regarding his early life, but we know that he finished his education by Continental travel, and that he became intimate with some of the leading men of the time in Scotland. By 1543, he was already established as a burgess in Dundee, and it is probable that his presence there may have been a reason for the Martyr visiting the town so soon after his return from England. At an early time he had associated himself with the more violent and unscrupulous reformers; and, when the Preacher's eloquence had stimulated a riotous attack upon the monasteries, he was one of a considerable number of persons who were afterwards charged with having taken part in the outrage "in company with Henry Durham," the Captain of Broughty Castle, who, a few years later, infamously distinguished himself by the traitorous surrender of that stronghold to the English invaders. The spoiling of these monasteries had given the iconoclasts some practice, and, probably, led up to the scheme put before King Henry for destroying "all the Bishops' and Abbots' houses on that side the water."

Although there is no evidence to specially identify this Wishart as the promoter of the plot against Beaton, he certainly had allied himself with those unquiet spirits who from time to time were engaged in it. In 1546, after the Cardinal had been murdered in his own castle, the assassins held possession of the place for some time, and we find him one of those who subsequently were charged with having been "art and part of the traitorous assistance, supply, and support to Norman Leslie and James Kirkcaldy, sometime of Grange, and other traitors, the whole time during which these traitors abode in the Castle of St. Andrews;" and with aiding them "in their treason and crime of lese-majesty." For these and other illegal acts committed in the name of the Reformation, all those implicated were indicted at a Justiciary Court held at Dundee in March 1552. The virulence of factions had, however, by that time considerably subsided, the country rested temporarily in peace, there was a feeling in favour of indemnity for the past, and the accused were acquitted.[1] It is to be noted that about the

[1] MS, in Burgh Archives, Appendix B.

same time Crichton, the laird of Brunston, principal instigator in the earlier plot against the Cardinal, was also indicted on a charge of treason, and that the process against him was likewise withdrawn.[1]

George Wishart must have been on intimate terms with John Erskine of Dun, the great promoter of the Reformation in Scotland; for, when he was in Paris, he became security for money provided for the travelling expenses of Erskine's sons. After a long time he had trouble regarding this, and was even called on to repay the money himself. James Lovell, who supplied it, pursued "George Wyschart for the soum of twa hundred merks for John Erskine of Dun, whilk James made finance [for] in France at George Wyshard's command—efter the tenor of his obligation made to James thereupon." George "grantit in judgment that he was surety and full debtor" for the money "whilk James furnishit to the Laird of Dun's sons in Paris, and that the day of payment thereof wes lang bypast; nochtheless he plainly refusit to underlie ony process of law before the Provost and Bailies, and allegit that it should be pursuit before spiritual judges, because it wes ane obligation." The Bailies, however, would not admit this, "and decernit George to mak payment within term of law." Then he, under protest, "desirit ane term to call the laird of Dun, his warrant; to the whilk [they] assignit this day fifteen days." We do not hear anything farther on the matter, and may conclude that Erskine had, probably, then relieved Wishart from his obligation. 1553-4. Feb. 9.

After having been for some time in the Town Council, Wishart, in 1553, was elected Bailie, and subsequently at different times on to 1561. He appears to have been an able and active administrator of the office, and to have exhibited considerable individuality and firmness of character. In 1554 we find him, in presence of Provost Haliburton, conducting by himself an examination of the chaplains of St. Mary's Church regarding the rents which used to be paid to the Rood altar. In 1556, he and the Provost at Aberdeen presented a supplication to the Regent, Mary of Lorraine, against John Scrymgeour, Constable of Dundee, for his high-handed proceedings in breaking the lock of the stocks and taking a prisoner out of the tolbooth

[1] Tytler's Hist. of Scotland, V. 390.

to his Place of Dudhope; and obtained substantial redress.[1] The crafts having preferred a claim to share the profits of a speculation in wines imported by unfreemen, David Gardine, on their behalf, alleged that George Wischard, Bailie, sold him the wines and received "ane dollar in arles." The speculation was, however, appropriated by certain merchants, and thereafter the Bailie, with imperious contempt, "in judgment cast to David his dollar given in arles, whilk fell in his bosom, and protestit that he were freed of all condition made be him anent the blok[2] of wines." Wishart's brother magistrates showed much deference toward his judgment and literary attainments. They resolved to increase the fees paid to the master of the Grammar School, "so that he do his duty and kene[3] the bairns sufficiently in grammar, oratorie, and poetrie; to the trial of the whilk George Wischard, Bailie, is made to hear and perceive gif the master does his duty." He appears to have shown a consistent zeal in promoting the Reformation, and to have taken some part in matters of national concern. We find him, in 1559, along with the Provost and some others of the Council "convenit in James Lowell's ludging at the assemblie with John Knox and ministers and elders of the congregation," discussing whether "ane bark now arrivit at the port of Haly Island is a just prize be reason sho perteinit to the Portingalls." In 1564, the Council resolved to exempt George Wishart from the payment of taxation. No reason is assigned for this, but we may conclude that it was done as a return for the important services he had rendered to the burgh.

1560. May 28.

He acted as factor for the lands of Dryburgh near Dundee, which then belonged to his brother. A portion of the teinds of the Abbey of Scone was derived from these lands, and we find the tenant becoming bound "for payment of the price of ane chalder of bear to the chalmerlane of Scone, conform to the fier and dearest price. This done in presence of George Wyshart, for the relief of John Wyshart of Patarro, at the chalmerlane's hands." At the time of the Reformation Wishart tried to secure the Abbot's victual for the laird himself, and protested in his name "that forsameikle as Walter Gulane had nocht payit his ferms to John Wyshart

1556. Ap. 27.

[1] MS. in Burgh Archives, Appendix C. [2] Speculation. [3] Lead on.

of Pattarro of the crop last bypast of the lands of Dryburgh, for the highest price that sic victual gives or gave this instant year." The teinds are not mentioned here, but shortly after, at the entry of a new tenant, he obtained security that "Abraham Creichtoun content and pay to John Wischart of Pettarro the haill ferms of the twa part lands of Dryburgh occupeit be him, togidder with the teinds of the same."

Wishart possessed lands of his own about five miles north-east of Dundee. "In June 1565, sasine proceeded on a charter granted by John Wallace of Craigie in favour of George Wishart, by which he received the lands of Wester Doid."[1]

Which of these two men may we most reasonably fix upon as having been the "Scottish man called Wysshert" who carried the message between the plotters and negotiated the conditions on which the Cardinal was to be slain? They were both of the same name, of the same family, and contemporary. They had friends in common among the leading men of the time; and each in his own way was forward in promoting the work of the Reformation. In circumstances so similar it is hardly to be expected that the identity of each could be altogether preserved, and we need not wonder although historic confusion has arisen, or that acts done by the one who has been forgotten should be accredited to the other, of whom alone historians have had knowledge. One of them, no doubt, is the man, but, in the absence of positive proof against either, we can only fix the charge upon him to whose character and position it is most clearly applicable.

Of direct evidence implicating the Preacher in this business there is really none; for it can hardly be said that the description of the emissary merely as "a Scottish man called Wysshert," applies to one already well known as an earnest student and an enthusiastic apostle who, in circumstances of notoriety, had been expelled from Dundee for his trenchant attacks upon the Church. The other evidence is wholly in his favour. From all that we know of him he stands before us as a man of singularly mild and gentle character; and one as unlikely as any within the historians' range to have been

[1] Warden's Angus or Forfarshire, IV. 132.

guilty of entering into conspiracies or compassing the death of even an enemy. John Knox tells us that when the Preacher's life was in peril from the dagger of an assassin, he showed no feeling of resentment against the wretched man; but, with characteristic mercifulness, protected him from violence. He seems indeed to have been without the qualifications essential to a conspirator; for he had neither the coolness that could calculate upon chances of success, nor the sternness that could carry an evil purpose into effect, but simple as a child, he would only have been contemptable as a schemer. It is hardly credible that the devisers of an audacious plot would have chosen so unfit an instrument for its promotion, or for negotiating with Henry either to aid the conspirators in Scotland or to give them protection in England; and it only needs that we should find there was another man in a similar social position, capable of doing the work, and likely to have done it, in order to free him from the odious charge.

The other George Wishart seems to me to have been such a person. He had the opportunity for joining in the plot, and he possessed the essential qualifications for promoting it which his cousin had not. His birth and education enabled him to mix freely with leading men in Scotland, and he was connected with some of the more violent and unscrupulous enemies of the old Church. He occupied burghal offices and performed duties which required him to have the capacity for guiding affairs, for promoting negotiations, and for influencing the minds of others. He had sufficient individuality to carry him well to the front of his contemporaries; and he exhibited enough energy and decision of character to show his fitness for daring action. The charge can not be explicitly proved, but the circumstances against him are so strong, and he is so much more likely than the other to have been the conspirator, that we may, I think, without hesitation fix it upon him, and vindicate the memory of the noble Martyr from the infamous suspicion that has for so long rested upon it—an act of justice which might fairly and honestly be rendered by men of all creeds.

[1]Appendix p. 396.

CHAPTER VIII.

THE ENGLISH INVASION OF 1547.

Alleged to be a missionary enterprise—Broughty Castle is traitorously surrendered to the English—They bombard Dundee—Offer conditions of assurance to the town—Unpatriotic Scotsmen—Proposals made for surrendering Perth—The valley of the Tay laid waste—Fortification of Dundee—The town burned and spoiled—French and German allies of the Scots—Broughty Castle besieged, and taken and the English expelled.

In the autumn of 1547, shortly after the death of Henry VIII., Protector Somerset invaded Scotland with a powerful army. Sufficient pretext for justifying such an invasion was never wanting, and on this occasion there were other than the ordinary reasons, one being to help forward the purpose of marriage between King Edward VI. and the infant Queen Mary of Scotland, and the other to aid in propagating the doctrines of the Reformation. A hastily raised Scottish army met the invaders at Pinkie Cleuch, a few miles south from Edinburgh, on the 10th September, and suffered a complete and disastrous defeat.[1] The victory left the English masters of the south, and enabled them for a short time to spoil and ravage the country in the usual manner, and even to do something for the Reformation

[1] At this, the last of the great battles fought between the rival kingdoms, there was much slaughter of Scottish barons and gentlemen. Among the slain was Haldane, the laird of Keilor, near Newtyle. The Burgh records tell us that on 4th March 1553-4, there "compearit in the tolbuith John Haldane of Kelour, of the age of sixteen years, with consent of his curators, Maister James Haliburton, Provost of Dundee, and George Blair in Gairdre, and of his free motive will dischargit his mother, Isobell Blair, Lady of Kelour, of all intromissions of his lands, mails, ferms, and duties sen the decease of his umquhile father, wha deceasit at Pinkye Clewch, and that in respect of compt and reckoning made be his mother and curators foresaid; and binds and oblissis him, and also swears in judgment, that he sall never come in contrair of this discharge, and also constitutes procurators to act him in the official bukes of Sanct Androis principal."

by burning Holyrood Abbey and other religious houses. Simultaneously with the advance of the invading army, a considerable fleet under the command of Lord Clinton was sent along the east coast of Scotland, and it effected a landing, first at Inchcolm on the Forth, and then, on the 24th September, at Broughty on the Tay.

The Castle of Broughty, which stands upon a promontory in a commanding position on the north side of the estuary four miles below Dundee, was then a place of considerable strength. It belonged to Lord Gray, but he and Henry Durham, the captain, instead of defending it honourably, made traitorous conditions with the enemy for its surrender; and, "after certain of their shot discharged against the Castle for a colour, the same was renderit unto the Englishmen be treason"—an act which Durham subsequently protested to the Protector was done out of "the good mind and favour I bare both unto the true setting forth and knowledge of the gospel, and unto the King's Majesty of England," and he claimed to be rewarded for it. The Castle was thereafter garrisoned with men from the ships, and placed under the command of Sir Andrew Dudley. On this becoming known, Regent Arran, "understanding perfectly that our auld enemies of England being in the House at Broughty, are apparently to invade the burgh of Dundee and haill country, and to herry, slay, and destroy our Soverane Lady's lieges without they be resistit, ordained that "ane hundred hagbutmen and ane hundred spearmen" be furnished by the great prelates and the inhabitants of Dundee, "and ane hundred horsemen be the barons and landit men" of the neighbourhood in order to withstand the enemy.[1]

Having established his position in Broughty Castle Dudley endeavoured to obtain command over Dundee, which then had no walls, and was without other effective means of defence. This, however, he could not accomplish until after he had subjected it to bombardment. In the State Paper Office there is an interesting account of these proceedings, in a series of dispatches which were sent to Protector Somerset and others by the commanders of the expedition.[2]

[1] Reg. Privy Council, I. 80.

[2] None of these papers have hitherto been printed except in the Appendix to the History of Old Dundee. The others that here follow are printed for the first time.

Dudley writes him, "It may please your Grace to be advertised that the town of Dundee hath taken assurance of me the 27th of October, as appeareth by their bill signed with their hands and sealed with their town seal with much ado; for I was fain to send the bark Ager and the Marye Hambroughe to lie and shoot at the town, and to beat the same with their ordnance. The town shoot much at them again, but they did the King's ships no hurt, thanks be to God. I made them believe that there was other ships of the King's Majesty's coming with a great power, and that I would land my men and burn their town, ships, and boats. With much communing and much ado I brought them to agreement, as appeareth in their bill sent with my letters, the which is the copy of the assurance between them and me[1].....This was done the Comptroller of Scotland[2] being in the town of Dundee, with the which he was not little displeased withal. The most part of the town favours the Word of God, and loveth not the priests and bishops very well, but, as far as I can perceive, all the honest men and substantial men of the town favoureth the Word of God.....They are much desirous here in the country of Angus and Fife to have a good preacher, and bibles and testaments and other good English books of Tyndale and Frith's translation, which I have promised them. Desiring your Grace to have a preacher, and books sent me to give to gentlemen and other honest men of the country, for I have promised a great sort. An there were a bookbinder that came hither with books, he should sell them very well, and also, I think, it should do very much good in all the country. I desire your Grace to let me know whether I shall suffer them of Dundee to travel into France, or the Frenchmen unto them. [After complaining of the want of provisions, and desiring that reinforcements be sent him, he says], The river is throng with ships and boats, and much resorted of diverse countries; and here is great fishing and great profit to be done in this river.....Here is a rather pretty town a little above Dundee on the river of Tay, which is a walled town called Saint Johnstones, and standeth strongly, the which I think would be had with a little help. Here are many Abbeys and

[1] MS. Conditions of the Town's Assurance. [2] William, Commendator of Culross.

houses of religion alongst the river of Tay, the which standeth within ten miles of me and less, the which I would be gladly in if I knew your Grace's pleasure; the which there be many gentlemen here of the country would be very glad of, and desireth much that it might be so, and have offered themselves to help.....The ships here hath almost spent their powder and shot upon Dundee, and [the] ships and boats that goeth and cometh that would steal away by them; and I have spent much of my powder and shot upon [them] and on the horsemen that pricketh alongst the hills; notwithstanding I have made the town of Dundee to bring me again as much of the shot as they could find that the King's Majesty's ships shot at them."[1]

The conditions under which the English offered the town assurance of protection, although subscribed by leading burgesses under compulsion of the bombardment, were not carried into effect, as the invaders were unable to maintain their commanding position. The additional ships and men which Dudley alleged were advancing, did not for some time arrive, and by the middle of November the Regent and the Earl of Argyle had invested Broughty Castle with a small army. Its operations were, however, ineffective, and after an unsuccessful assault in which Gavin Hamilton, whom John Knox calls "the best of the Hamiltons," was slain, the Earl—an unworthy and unpatriotic Scot, who is alleged to have made no scruple at receiving a bribe of English gold—raised the siege and carried his army to Perth, thereby enabling the invaders to receive reinforcements and strengthen their position. After the national army had gone, Dudley endeavoured to induce the Dundee authorities to homologate the conditions which he before imposed upon them, but this proving unsuccessful, he sent Admiral Wyndham, who had now arrived with a fleet in the Tay, to make another attack upon the town, and in this, with mortifying economy, the ships, no doubt, fired over again the King's Majesty's shot which the townsmen had recovered.

The Admiral gives an account of his proceedings in a dispatch to Somerset in which, after describing how he had been wind-bound

[1] MS. State Papers : Scotland : Ed. VI., II., No. 26.

for some days in the Forth, he says, "I went away with the saker and the double rose with all the rest of the victualers to Borthe Crag, where I found the siege removed from Borthe. And the next day after, with all the whole fleet of the ships and barks, with the hagbutters, came to an anchor before Dundee; and there with all ships' boats and the victualers' boats invade them; and so skirmished with the town that there were killed two or three Scots. Then the town perceiving that we would enter the town, there came two of them with a flag of truce desiring that we would retire back, and they will deliver two of the best of the town for pledges to perform all such articles as was demanded by Sir Andrew Dudley before my coming. And so I received into my ship two pledges for the performance of the said articles. So I assure your Grace that if you would send a few men to be in garrison in that town, we should be able to keep it against all Scotland, so that we may have ordnance, powder, and shot."[1]

Sir Andrew Dudley, writing to Lord Grey of Wilton at Norham, says of this bombardment, "After much communication between diverse lords and gentlemen of them of the town of Dundee and me falling to no appointment, I sent Mr Wyndham with the ships to Dundee, the 15th of December, to lie affore the town and shoot at the town; and all the boats to land on the hither side of the town, with two hundred hagbutters and others skirmishing with them; and killed diverse of their men. After the which they put out a banner of truce and put in two pledges to agree unto the articles that I demanded of them.....Having much ado withal before they would agree thoroughly, for the Lord of Dun[2] stack stiff in their part that they should not agree with me after that mean, and lent them of the town three small [pieces] of brass to help to defend them withal. [After complaining of his want of men and provisions at Broughty, he says], I am advertised that there is a great power coming out of France to receive all the fortresses and the authority of Scotland, and to convey the young [Queen] to France, and to besiege me again.....I have intelligence here

[1] MS. State Papers: Scotland: Ed. VI., II., No. 57.

[2] John Erskine. While an earnest reformer he remained a true patriot.

that there should come certain galleys and carricks out of France by the west seas, with money, men, and munition.....I am threatened that the Governor[1] will be here again with me ere New Year's day, and revenge the death of Gavin Hamilton or it shall cost him all that ever he can make. I hope your Lordship will help to find the means to busy him other ways. [Describing an entry which he made into the town, he says], I was in Dundee the 20th of December, where I was received very well with the Lord Gray, the Lord of Graynge,[2] and the Lord of Balumbye,[3] with the officers and burgesses of the town. I proclaimed that day the proclamation in the Market place at the Cross that was made by my Lord Protector's Grace when he came into Scotland with the army. [None of them of Fife] are assured but the Lord of Montquhanny,[4] but [some] of them will shortly or else I will make the sp[linters] fly about their ears." He, however, thinks that another method is still worth a trial. "I beseech your Lordship to send hither with speed a good preacher and good books, for they desire it much here, and I think it would do more good than the fire and sword."[5] The Admiral, describing the scene at the Cross to Somerset, says, The proclamation was read "openly in the Market place, and blown by trumpet, and the Lord Gray with the heads of the town being there present, received their oaths for the performance of the same, methought very weakly at the states hands."

The Protector did not at first appear inclined to continue and prosecute the invasion of Scotland by the valley of the Tay. He delayed sending the necessary reinforcements and supplies which the leaders of the expedition required, and even proposed to have the ships sent home into winter quarters. Dudley remonstrated against this, and protested that "the town of Dundee and all the noble men and gentlemen that hath taken assurance of me, are like to be overrun and destroyed and I not able to help them. Wherefore I beseech you rather to discharge me of the House, [Broughty Castle], than I should dishonour the King's Majesty. Also my poor honesty

[1] Regent Arran.
[2] James Kirkcaldy.
[3] Sir Henrie Lovell.
[4] Andrew Balfour.
[5] MS. State Papers: Scotland: Ed. VI., II., No. 60.

shall be stained" and "I shall lose my credit amongst all Scots men." He assures the Protector that they are not in a barren land, for "here is plenty of victuals in this country and good cheap;" and the Tay "is one of the goodliest rivers that ever I saw, and the ships may ride as well here as they would in the Thames, and better; and is one of the plentifullest rivers of fish as ever I saw, both salmon, porpus, seal, herring, and other kinds."[1]

Besides these arguments, Dudley was able to lay before his master some information regarding the disaffection and disloyalty of notable Scotsmen, that seemed to promise success to the English enterprise—for which, indeed, the time seemed opportune and the circumstances favourable. The discord that so often prevailed among leading men, was now much increased by the contention for and against the Reformation which divided the country into factions, and made its government weak and ineffective. The invaders, who came intending to forward such reformation as Henry VIII. made in England, found little difficulty in gaining over to their interests some of the more turbulent and less honest promoters of the new doctrines, who, having, it might be, some adversary to overthrow or some personal advantage to gain, had little scruple, for so good a reason, to turn traitors and help the enemy. The Protector had been convinced that success was probable, and the occupation was continued. It may, however, be noted that after a time we hear nothing further about providing good preachers and profitable books for the Scots, and this evidently because the invaders had found that the system of propagating the Reformation by burning churches and religious houses, and despoiling them of their valuable "idols," quite realised their theory of a missionary enterprise.

Dudley informs Somerset of certain communings which he had at Broughty Castle with disloyal Scotsmen. "The Lord of Dunbar[2] was with me on Tuesday at eight of the clock at night, declaring unto me the promise that he had made to your Grace touching the receipt of the King's ships into Murray and for the Isles of Orkney, and other enterprises that he communed with your Grace of. In the which he

[1] Printed in the Hist. of Old Dundee.

[2] Probably Alexander Dunbar of Cummok, Sheriff of Moray.

hath taken counsel of his friends, as George Douglas[1] and other, who hath counselled him to kill the [ ] of [[2]] and certain other men; by the which the country and the strength should be had gently. The which he told me he would enterprise to do..... He declared to me that he would go about his enterprise, and if case be he brought it to pass, and that the King's ships come not nor have no succour and were not able to keep the country, that then he would come to me for rescue to be conveyed to England. There be many here that feareth lest the Earl of Huntley[3] by his fair flattering and false promises should be set at liberty again, the which they think should be a great hindrance to the King's godly purpose."[4]

Lord Gray, through whose connivance the English got possession of the Castle, continued to be privy to their schemes, and obtained subsidies to encourage him to render them services and enable him to bribe others. Dudley says, "The Lord of Gray was with me at Broughty Craig late one night, and used himself very gently to me, declaring that he would do for me anything he could." In another letter, he says, "My Lord Gray and the Lord of Montquhanny came again to me the 8th December, and have promised themselves very honestly and earnestly in setting forth of the assurance between Dundee and me." Lord Gray had a special quarrel with Perth, and he thought the time was opportune for subjecting that burgh to humiliation. Two years before this, when a dispute arose between John Charteris of Kinfauns and the Master of Ruthven as to which of them had right to be Provost, he carried his retainers to the help of Charteris; but at the Bridge sustained a signal discomfiture from the rival faction which enabled Ruthven to establish himself securely in the office. It was, no doubt, in revenge for this defeat that he now offered to help the English in obtaining an effective footing in Perth. Dudley writes to Somerset, "I doubt not, that if I might have the

[1] Sir George Douglas, father of Regent Morton, was notorious for his treachery. About this time he communicated to Somerset a device for the invasion of Scotland.

[2] The name of the person to be taken off has been carefully erased in the MS.

[3] The Earl of Huntley, a strenuous supporter of the old Church, was at this time a prisoner in England, he having been captured at the battle of Pinkie.

[4] MS. State Papers: Scotland: Ed. VI., II., No. 26.

ships furnished with the six hundred and ten men that your Grace appointed me to have, to get Saint Johnstone, so that my Lord Gray will come on the other side by land as a did promise me to do."[1]

Ruthven was, however, quite ready of himself to negotiate with the invaders for giving them possession of Perth. Dudley, writing to Lord Gray of Wilton, says, "There was with me the 19th December late in the night, the Master of Ruthven, Provost and Constable of Saint Johnstones, and Sheriff, under his father, of Strathearn. He hath promised me, if he may be well entertained, to do the King's Majesty high service, and to compass his father and the Lord of Drummond with diverse others; and I think he would be won to deliver the town of Saint Johnstones for money; and, methink by his coming, to do diverse other great enterprises. I shall know more at the next communing with him." Further on he says, "I have sent your Lordship a copy of the letter that the Master of Ruthven sent me this night very late, desiring your Lordship with all speed to let me have answer of the same what is best to be done in it; for, as far as I can perceive, he would be won with money"[2]—a surmise which was afterwards confirmed by a proposal from Ruthven to surrender Saint Johnston if "assured of some pension."[3]

Balfour of Montquhanny was an active agent in various negotiations with the English. He had much influence in Fife, and he offered Dudley to deliver St. Andrews to them without bloodshed if they could put men in it—an undertaking on which he himself held communication with the Protector.[4]

These are illustrations of the mercenary spirit which was then to be found among public men. Robert Wedderburn, in his "Complaynt of Scotland," which was written at this time, and has many allusions to these transactions, sharply reproaches the Estate of barons and nobles for meanness "and the violent extortions that thou daily committs contrar thy brethyr. And thou art the special cause of [thy country's] ruyne, for thou and thy sect that professes

[1] MS. State Papers: Scotland: Ed. VI., II., No. 57.
[2] Ibid. VI., II., No. 60.
[3] Ibid. III., No. 27.
[4] Ibid. II., No. 65.

you to be nobles and gentlemen, there is nocht ane spark of nobleness nor gentrice amang the maist part of you."[1] It was, indeed, a time of national demoralisation wherein the public weal was often made to serve private interests, and patriotism had almost ceased to be a characteristic virtue. The proud independence which had been the Scotsman's boast through centuries of peril, now seemed to be of small account, and there prevailed in high places a mean and selfish spirit which might bring honest blushes to the patriot's cheek. Certainly it was a season of turbulence and trial, but we might have expected to find that the contention regarding a reformation of the Church would have manifested its influence in developing the individual conscience and elevating the public morals, instead of leading to the decadence of the patriot's virtue and the degeneracy of the national spirit. This was the Scotland in which Queen Mary lived, and men like these gathered around her as courtiers and friends, and can we wonder although one naturally so noble and so gifted, in such an unwholesome atmosphere and among such unworthy counsellors, was unable to develope the higher graces of womanhood, or altogether escape from the tongue of slander.

Admiral Wyndham did not remain inactive in the Tay. He writes to Somerset asking for reinforcements, "which having I will not leave you neither town nor village nor fisher boat unburned from Fife Nase to Comysynch,[2] nor in no place where I may ride with my ships." And farther, "I trust ere it be long to suppress an abbey or two"[3]—a promise which he fulfilled before the end of December, by destroying the Abbey of Balmerino and burning the Cistercian Nunnery of Elcho within three miles of Perth, bringing away from thence all the nuns and many gentlemen's daughters. Besides these he made other raids upon the river banks. On one occasion he "burned Scots Craig and more than three miles compass;" and, on another, he took off as many sheep as his vessel was able to carry; while, outside the estuary, he made a rich prize of a ship coming from Flanders. He also turned his attention to the

[1] Printed by the Early Eng. Text Soc., II. 144.

[2] Inch Colm.

[3] MS. State Papers: Scotland: Ed. VI., II., No. 57.

fortification of Dundee, about which he writes, "In the town is diverse places meet for forts, if it pleased your Grace to have them made, and they will gladly put their helping hands to it, and offereth to deliver the steeple, where may be placed two demiculverins which may bott round about all the town." When it became known that Argyle was again coming to invest Broughty, it was proposed to make Dundee good against him, and Wyndham writes, "I have planted the steeple of Dundee with a saker and a falcon and four double basys, with hagbuts of croke, and twenty tall men, and victual [for] them for a month, and I myself with as many as I may, the ships being for my side, will keep the town till your pleasure be farther known."[1]

The English did not, however, attempt to defend the town against the approach of Argyle's army; for most of the inhabitants, who on compulsion accepted their assurance of protection, had gone away, Wyndham says, "with sorrowful heart, saving four or five honest men remaineth in great jeopardy; and one faithful man paying by yearly rent better than forty pounds sterling, hath forsaken it all and come with his wife and children in to our ship for succour. His name is Thomas Steward.[2] His brother, I think, is ridden in to England. And they are true faithful men, and saith they will hold their oath to the King's Majesty to the end of their life." On evacuating the town the invaders "thought it meet to have all the town's ordnance in to the ships. And so we did, and fired the steeple and burned all the idols in the Church; and the Lord of Gray's request was that we should burn no part of the town, for he should then have lost his whole credit of the country." About despoiling the Church of its ornaments and burning the tower (which broke down the beautiful stone arches that till then surmounted it, and destroyed the newly erected clock), Dudley writes, "Mr Wyndham hath all the ordnance of the town, the bells and all the copper and brass that was in the Church, and brent the steeple. But the town is unbrent trusting to have it again." It is not likely that the Admiral drew any hard and fast line at the baser metals. There had been valuable pickings among "the idols,"

[1] Printed in the Hist. of Old Dundee.

[2] For his behaviour on this occasion Steward's property, as we shall see, was afterwards forfeited.

although the silver may not have reached the English treasury. Lord Grey of Wilton would not at first credit the report which reached him that his friends had abandoned Dundee, and that "without approach of the enemy;" but, on its confirmation, he appears to have attributed the evacuation to "discord between his cousin Dudley and Wyndham."[1]

Argyle returned to Dundee on 21st January, 1547-8, with an army which the English variously estimated at from three to six thousand men "tag and rag" of "the simplest sort." Part were, however, armed with hagbuts, and they had "four cannons and two culverins with diverse other pieces of brass." The French King, according to report, subsidised the Earl with two thousand five hundred crowns to animate him against the enemy. He likewise had sent him a force of "about fifty Frenchmen on horseback in complete harness, with white baldricks, and morions on their heads, with hagbuts in their hands;" who went "bragging to and fro as they had been conquerers of all the world." On the following day "Argyle with his companions marched forth of Dundee towards Broughty Crag." By the way "the Earl and the Frenchmen maketh great brags, and putteth no doubt to win the Castle within six hours." In this they were, however, disappointed, for the garrison, aided by men from the ships, successfully withstood their assault. Although the French were such braggarts they behaved well, "giving the onset very bravely, their chiefest captain being slain and one of them shot through the arm, with diverse of the other sort hurt."[2] James Haliburton, afterwards for many years Provost of Dundee, had command of the Scots horse on this occasion, and distinguished himself by his honest and good service for which, at a later time, he obtained ample acknowledgment and reward. After the siege had continued for ten days without effect, Argyle again withdrew his forces. The explanation of this retreat appears to be that Lord Gray, on 5th February, received from Dudley one thousand crowns to be given to Argyle; regarding which, two days later, Lord Gray writes to Somerset, "I have spoken with my Lord of Argyle touching the godly purpose of the marriage and peace, whose mind is

[1] MS. State Papers: Scotland: Ed. VI., III., No. 27. [2] Ibid. VI., III., No. 25.

awfully given to the same."[1] So much so, that he "offered his command in those parts to Lord Gray" himself. The Earl's masterly policy in manœuvering the army had thus secured him a recompense from his enemy as well as a subsidy from his ally. It must, however, be admitted that he, in effect, denied receiving the bribe. On this subject Sir Thomas Palmer, writing to Somerset, says, that at a meeting in St. Johnstone, Argyle stated, "It has been reported that I received the King of England's money, but I shall prove myself truer than a great many of them that say so."[2]

The truce gave the invaders the opportunity of receiving considerable reinforcements, not, however, of "the preachers and good books" which Dudley at first desired, but of sturdy men-at-arms and munitions of war which enabled them to strengthen their defences at Broughty, and to erect an important fort upon Balgillo Hill, about half a mile distant, "whair they placed a great company of their soldiers."[3] They also again occupied Dundee, and took measures for constructing fortifications to enable them to hold it. John Luttrell, who at this time abandoned Inch Colm, was named Governor of the town, and, writing to the Protector on 6th March, after returning thanks for his appointment, says, "I have been at Dundee to view the situation of the same; and, as we yet take it, there can be no perfect fortification or citadel cut out but that it will require at least six hundred men to keep the same; by reason of three mounts that stands within the town which are of like distance asunder [and] almost of equal height, unto whom every part of the town and water is subject; and are of such bravery that if the thing were raised by the hand of man, as it appeareth to be natural, I judge could neither be of more force nor raised in more commodious place."[4] These commanding positions were, first, the Corbie Hill, afterwards known as the Windmill Brae, on which, at the time of the Great Civil War, an important battery was placed; second, the rock through which Reform Street is cut,

[1] MS. State Papers: Scotland: Ed. VI., III., Nos. 31,33.
Ibid. III., No. 70.

[3] Lesly's Hist. of Scotland, 219.

[4] Printed in the Hist. of Old Dundee.

whereon the English at this time erected a defensive work of considerable strength called the Fort which, after their departure, was garrisoned by the French allies of the Scots for several years; and third, the Castle Hill, where there had yet been the ruins of the Castle, which was the scene of important operations during the War of Independence. On consideration, "a device by Lutterell for trenching of the town" was adopted and partly executed; but the frequent interruptions which took place prevented the works from being completed as contemplated. After the enemy had been expelled, the trenches lay for several years in the same condition; the burgesses probably thinking that they might yet be serviceable to themselves. Ultimately the Council resolved "to mend the calsays broken in the time of the subversion of this burgh—that is to say in Argylesgait, in the Murraygait, in the Seagait, and without the Murraygait Port and the Flukargait."

1553. Oct. 6.

We need not be surprised although the fortifications had not been made effective, for the invaders were several times invested in Broughty and interrupted in their possession of Dundee. In April, the Bishop of Dunkeld with a considerable force attacked the Castle. In June, the place was bombarded by the French galleys which brought to Scotland a considerable levy of French and German auxilliaries; and subsequently, it was besieged and unsuccessfully assaulted by a force under John Charteris of Kinfauns. Toward the end of October the English, then having few enemies to resist them, again assailed and entered the town both by sea and land with a considerable body of troops; their intention being to complete the defences so as to enable them to hold it. The contingent which landed from the ships was vigorously but ineffectively opposed by a band of the inhabitants led by Captain James Dog, a burgess who afterwards, for a short time, filled the office of Provost. The other forces which came by land from Broughty, "being betwix sixteen and seventeen hundred lances, both foot and horse," met with no considerable opposition.

When intelligence of this occupation reached Edinburgh, three French and German companies under the command of the Rhingrave, were sent by way of Perth against the invaders, who, in the words

of an officer in the French contingent,[1] "Upon advice that we were about to visit them, demolished the fortifications they had commenced and diligently carried on during the space of eight days at Dundee, rifled the houses, set the town on fire, and so retired to their two forts at Broughty." And when the troops "entered the town, they had the mortification to find nobody in it but some poor women and a few men who were labouring hard to extinguish those flames which the English had kindled." Lesly says that the enemy "purposed to fortifie Dundie," and upon "coming there they enterit and began to make building for the fortefeing of it." But when the allies approached, "they avoidit the town, having first spulzeit that of all sic riches as they found within it, and that done, set fire in the houses and brunt the maist pairt of the town."[2] This destruction took place early in November 1548. The arrival of the allies had probably been hindered by the illness of their leader. John Brende, writing to Somerset from Berwick, on the 18th November, says, "May it please your Grace, I am advertised sundry ways out of Scotland, that ours have burned Dundee and shipped the spoil, upon what occasion and commission I know not. They say the Rhingrave proposed no other than the defence of Saint Johnston, and it is said that he remains sick of the plague there, and like to die."[3]

The wanton and cruel destruction of Dundee by the English was a disgraceful and impolitic exploit which cannot be defended. It is evident from what Brende says that this had not been altogether premeditated, and we may conclude that it was done in a spirit of boastful defiance, so that the allies on their approach should find the town only a mass of smoking ruins. The havoc committed by these professed pioneers of the Reformation was almost complete. The greater part of the houses, the magnificent Church of St. Mary, the lesser churches, the convents, the tolbooth, and the almshouse "were brunt and cassin down be England," and with them perished most of what was stately and beautiful in Dundee, so that its early glory may be said to have then departed; while in the tolbooth nearly all of the

[1] Jean de Beagué. He wrote an account of the campaign in Scotland.

[2] Hist. of Scotland, 219.

[3] MS. State Papers: Scotland: Ed. VI., IV., No. 115.

priceless old writings and records were burned—a loss which was irreparable, and has left the ancient history of the burgh almost unchronicled.

The burning of the town may have been reckoned justifiable in war, but sacking its riches and shipping off the spoil were acts of mere cupidity. We do not learn much regarding the sacking of burghers' houses, but, no doubt, the enemy obtained much desirable plunder, although many articles of value had been wisely taken to places of safety during the time of "assurance." Of this we find
1552. Aug. 23 one instance recorded. "Georde Myln deponit to the Bailies that he receivit frae [his brother] Robert that year the town of Dundee wes brunt be Englishmen, five shillings to mak his expenses with the silks and merchandise whilk Robert sent to Edinburgh to his brother Andro." Some of the Church plate was likewise hid away and afterwards recovered, but many vessels of silver and ornaments of value were, no doubt, carried off from the altars, as well as the five bells which were taken from the tower. The enemy did not, however, despise humbler vessels of tin. "Sande Bulte is decernit to pay John Blak, smith, three shillings in recompense of ane tin pint stoup lent be John to him and tane away in the subversion of this town be our auld enemies"—which seems rather hard upon Sande.

The English were not dislodged from Broughty and the district restored to peace for more than a year after the burning of Dundee —which continued to lie in ruins, those of the inhabitants that remained having little opportunity either for restoring their houses or establishing burghal order. At last, in February 1549-50, Regent Arran with a considerable force, aided by a French contingent under De Thermes, advanced against Broughty; and having laid siege to Balgillo Fort, "they cuttit away all moyens betwix it and the Castle; and efter the Fort was dung down with great ordnance, the assault was given thereto baith with the Scots and Frenchmen; whair the English made resistance and defence at the first entering, but they war so courageously and stoutly assailyeit that the most part of them all were slain and the rest taken prisoners." Next day the Castle was surrendered, the defenders "having only their lives safe."[1]

[1] Lesly's Hist. of Scotland, 219.

The "Diurnal of Occurrents" says, "The English desired to pass out of the Castle with bag and baggage and artillery, whilk wes denyit, but that ilk man to pass with as meikle as he micht bear. An finally, [after] this thai departit and past to their ships whilk was lying beside the Castle. Thai war blyth in hart that thai escapit with their lives." So the invasion came to an end.

Somerset's inroad upon central Scotland could scarcely have been considered a successful enterprise. The disorganised state of the country and the connivance of a number of leading men along the district, certainly provided favourable circumstances; and had he been able to effectively reinforce his army in the valley of the Tay, it might have succeeded in dominating the country. This he was, however, unable to do by reason of the weakness of the fleet, and no part of his scheme was accomplished. The purpose of marriage between King Edward and the Queen was frustrated by her removal to France, where she was safe from English machinations; and his design for promoting the Reformation in Scotland met with no success, although it was vigorously carried on by burning churches and religious houses, and carrying away such spoil as could be had. His interference rather, indeed, hindered this, at least in Dundee; for the discomfiture of churchmen, now that they were without the support of the great Cardinal, caused a reaction in their favour which was not without effect even among their enemies.

The deplorably ruinous condition in which the town was left at the time the English were expelled from Broughty, obtained for the burgesses exemption from the next national muster. In the following April, the Regent, understanding that "the burgh of Dundee is alluterlie brint and destroyit be our auld enemies of England being in the Fort and Craig of Broughty, and [that] sen the wynning thereof the inhabitants are repairing [the town], and making some policy for the sustentation of the lieges, [who] through the great herschips and downcasts they have gotten, as yet may nocht sustene the pyne and costs of the weirs," therefore grants them license "to byde at hame frae the host" which was then called out.[1]

[1] Hay's Writs and Charters of the Burgh, 39.

CHAPTER IX.

THE RESTORATION OF THE TOWN.

James Haliburton elected Provost—Absent burgesses ordered to return—A French garrison left in the Fort—Troubles with Frenchmen—Rebuilding ruined houses—Reduction of annual-rents—Raising money for "Mother Kirk"—Restoration of the choir—Re-erection of altars—Recovery of church plate—Roofing the tower—Providing a new clock and bells.

Shortly after the English left the Tay, Captain James Dog, who had led a band of the burghers against the enemy at the last occupation of the town, assumed the position of Provost, and held it until September, when the policy and order of the burgh was re-established by the election of a regular Council. James Haliburton, tutor of Pitcur, was placed at the head of it, and occupied the office of Provost with so much acceptance that he was continuously appointed thereto for thirty-four years, except during 1555-6, when he was superseded for rebellion. He was a worthy and notable man, distinguished alike in the national councils and on the battle field, and he ruled the town so arbitrarily and firmly, yet with such genial wisdom and paternal care, as to command the respect and win the love of the burgesses, who sometimes appropriately designated him "My Lord," but oftener used the very becoming epithet of "Our Maister the Provost."[1]

[1] The higher title seems to have been used as a social distinction. In a case which came before the court we find that "Henry Robertson," who appeared as a witness, was designated "servant to my Lord Provost." The nature of the guardianship which Haliburton exercised over his nephew's lands of Pitcur was changed as the young man grew up. In February, 1552-3, "George Haliburton of Pitcur askit of the Bailies Maister James Haliburton, his tutor of before, to be given to him to his curator until his lawful age; and to that effect he hes deponit the aith upon the Haly Evangels to use the counsel of his said curator. And in likewise Maister James hes deponit upon the Haly Evangels to use and exerce due

For some years after the enemy had gone many of the burgesses who ought to have helped in restoring the town and supporting their neighbours in the performance of burghal duties, continued to absent themselves in spite of requisitions and orders. At length a royal writ was issued to enforce their return. "Ane of the Bailies producit in judgment our Soverane Lady's letters indorsit, charging all out-burgesses to compear into this burgh and there hald stob and staik,[1] walk and ward,[2] and pay extents[3] conform to their substance. And the Dean of Guild producit the statutes made be the Provosts and Councils of Scotland at their Convention in Edinburgh, whair it wes concludit that proclamation suld be made through the haill burghs of the realm at the Mercat Crosses thereof.....that an they fail they sall be decernit to have tint their freedom." Notwithstanding this charge and proclamation it was after a time found that twenty-nine persons "hes disobeyit, and therefore the Council discernit them to have tint their freedom, and frae thynefurth to be usit as unfreemen." 1552. July 27.

To defend the ruined houses from lawless plunderers and to help in restoring burghal order, some French troops were left in the town, and they garrisoned as their principal post the Fort which had been erected upon the rocky ridge above St. Salvator's Close. These soldiers, who continued their occupation for several years, would not at first have been looked upon as aliens, but rather as friendly associates. France was the ancient ally of Scotland, and had on different occasions given it effective aid against the common "auld enemy;" while the flower of the Scottish youth had often done distinguished service in the ranks of French armies. The characteristics of the two nations were very dissimilar, and their affinity seems incongruous; nevertheless their alliance lasted long, and the social intercouse which resulted was the means of introducing some French customs into our country which are yet maintained, and many French words into our language which have

administration in his office of curatorie to George during his minoritie and less age, and to procure his weill and to eschew his disprofit."

[1] Have a fixed abode.

[2] Watch and guard.

[3] Or stents; assessments.

become part of the vernacular tongue. A considerable number of Frenchmen were usually resident in Dundee, and they mixed with the townsmen in familiar and ordinary intercourse—any difficulties which might have been experienced in using their strange names having been got over by a simple system of nomenclature which seems to have served well enough. We find on one occasion that "John Frenchman" has been troubling his neighbours, on another that "Jakkes Frenchman" has got into a broil, and again that "Peris" or Paris "Frenchman" is due Archibald Bell's wife thirty pounds, and that she has obtained "her husband's power to ger mak arrestment on his gear whair it can be apprehendit." Other nationalities were similarly designated, for we find that "Clawse Dutchman" has been assaulted by a Scot, who therefor is amerciate, and ordained "to stand him in stead in time to come at his power."

The relations between the two countries appear to have become less cordial during the time that the Duke of Albany was Regent. He was educated in France, and was almost a Frenchman in his habits and feelings. In the course of his Regency he made lengthy visits to that country, and rendered himself unpopular at home and perilled the ancient alliance by overmuch readiness in espousing its interests; while he surrounded himself with French courtiers to whom be granted places of emolument which Scotsmen thought should have been reserved for them. We find that he gave to one of his friends the post of collector of customs in Dundee, and that this was resented in a negative manner by the interposition of

1522. Mar. 27. difficulties. "Francis Planeow, Frenchman, producit the Governor's writ and charge to the Provost and Bailies, desiring Agnes Quhit, heir of umquhile William Quhit," the former collector, "to be callit to deliver the seal to him perteining to the clerk of the cokkatship, the whilk her father had. And sho compearit, and he referrit till her gif that sho had it or nocht. And sho, being sworn, deponit that sho never handlit that seal, nor saw it never, nor wist nocht whair it is." Robert Seres, elder, the town clerk, had been receiving the profits of the office "sen William Quhit deceasit," and it was only after Planeow called him into court that he "made payment halely of that he was awing."

The allies that now garrisoned the Fort had probably been placed there at the desire of the inhabitants, and they may have facilitated the restoration of order. To enable them to maintain friendly relations with the neighbours it was enacted that French money should be held a legal tender. The Bailies "statute anent the French soulsis and money of France, that nae person within this burgh nor without refuse the said money, they being unwrongit and unbattit,[1] under the pain conteinit in our Soverane Lady's letters direct to the Provost and Bailies thereupon; whilk is that the ane half of their gear [be escheat] to the authority, and the other half to the reparation of Our Lady Kirk." The Frenchmen did not, however, continue to maintain their popularity, and by and by themselves became the occasion of trouble. At one time we find them fraudulently obtaining a supply of bread. John Rob, baxter, "hes tane to prove that Andro Rannald alias Baxter" (who evidently had acquired the name of his craft as a surname), "receivit frae his wife twelve score of plack bread, and carriet the samin to the Fort—unpayit money for the bread." But the Frenchmen would not admit having got the bread, and Rannald, the messenger, having been sworn, boldly "deponit that he receivit nocht ane laiff of bread frae John nor yet frae his wife;" and in consequence the loaves, which had long been eaten, remained unpaid. Again they made a raid upon the vegetables in a neighbour's garden. "Alexr. Paterson complainit that certain Frenchmen had clum our his yaird dykes and tane away his kale; and because [an] officer chargit them to compear before the Bailies they made menacing—drawing their rapiers and offering battle." This military operation of their gallant allies offended the Bailies much, but they cautiously resolved, in accordance with Dogberry's famous charge, "to meddle with none but the prince's subjects," and "continuit the matter till the Provost's hame-coming." The burgesses required to be cautious in dealing with the officers of the garrison. "Pate Gray is decernit to pay John de Vylence, Frenchman of the Fort, the soum of eleven pounds ten shillings, or else to prove him payit"—he evidently not having taken a receipt for the money. A joiner is charged to make a costlier article of furniture than he believed he bargained to do.

1550. Oct. 6.

1554-5. Jan. 16.

[1] Not beaten down.

"Mareschall de la Foye, Frenchman, hes tane to prove on Friday next to come that George Blak, wricht, conditionit to mak the lids of his press, and the parties are warnit" to come to court that day. We do not find any later notice of the foreign soldiers, and it is probable that their occupation of the Fort had ended shortly after this.

As soon as some order was restored in the burgh the work of rebuilding the ruined houses was begun. It would not, however, proceed quickly on account of the scarcity of timber, which had to be imported from the Baltic—little use having been made of home wood—and because of "an inconvenient dearth of sclates;" for eschewing of which it was ordained "that nae neighbours buy sclates in grite quantity but sae mony as may suffice the necessity of their awn proper biggings." But the principal causes of delay in restoring the houses were that many of the owners had lost their lives in conflicts with the enemy, and that others had become so impoverished that they could not bear the cost.

1550. Nov. 10. The Burgh Court records furnish some instances of this. "Mark Barre, son and heir of William Barre, and Maister John Barre, Vicar of Dundee, his tutor," came before the Council and represented "that whair Mark hes ane tenement of land lying in the middis of the Mercat Gait callit Our Lady Werk Stair, whilk wes to him and his predecessors the principal thing they had to leiff upon, and gave to them of yearly rent ane hundred merks, whilk is destroyit, wastit, and put to sack and utter ruin—as the remanent of the burgh is for the maist part—be our auld enemies of England;" and as it "stands in ane common Mercat Place, and gif it war biggit and repairit war to the honour and decoreing of the policie of the town, and would bring Mark to ane honest life and competent rent; and as he hes now neither money nor guids" to repair it, "but hes ane other waste tenement lying far frae kirk and mercat in the east part of the Murraygait, in likewise brunt and destroyit be the samin auld enemies, whilk is thocht speedful be his friends to be sauld and the price waurit upon the bigging of Ye Lady Werk Stair;" but which, because of his minority, he cannot do "without the authority of the Council be interponit," and therefore desiring that this be done. The Council

agreed to this, and thereafter the land in the Murraygait having been offered for sale, it realized "aucht score and ten merks."[1]

At the same time "ane application wes given in be Cristane and Elesabeth Aleson, sisters-german and twa of the four heirs of umquhile David Aleson, their gudschyr,[2] wha deceasit five years syne" in possession of "ane land upon the Shore Head, upon the south part of Ye Queen's Street,"[3] representing that "they are infeft ilk ane in the feird part of the said land, whilk they joysit[4] continually till November 1548, in the whilk month the land wes brunt and destroyit be our auld enemies of England, likeas the haill remanent of the burgh wes or the maist part thereof—whom to they micht nocht resist—and sen syne hes lain continually waste, and they never receivit ony profit or mails thereof." And as "they are indigent and puir, and hes nae lands nor guids to sustene them but the brunt land alanerlie, they think, with the advice of friends, to analie their part so that they may be susteinit till they be able to wirk for their leiving;" and as they cannot do this "because of their less age, they therefore desire the Council" to give them authority. Accordingly it was decerned that "the alienation to be made be them be of as grite strength as the same had been made at their perfect age."

The tolbooth, which adjoined the house of "Our Lady Werk Stair" on the east, belonged only in part to the burgh, and it having

[1] The house which was then repaired stood until recently with its curious wooden front and quaint gables to the Market Place, an interesting specimen of old burghal architecture. At an early time it was known as "Our Lady Wark" or Hospital, having probably been an almshouse for the entertainment of indigent women. When being demolished a few years ago, it was found that a line of well-cut stone pillars which once supported a piazza, had, at the time of this reparation, been imbedded in a wall which thereafter formed the front of a line of booths. These booths were occupied by a number of hucksters and small traders. In October 1551, "the Council ordainit that the hucksters which dwell under Ye Lady Werk Stair, sit and use their occupation at their awn doors, and that the others sit fornent them whair the trees lie, they redding the place upon their expense, and keeping the passage red to pass and repass to the Kirk and frae the Kirk."

[2] Or gutsher; grandfather.

[3] Or Highway. This was the old name of Fish Street. The house referred to was the only one then erected upon its south side, and occupied the site of the great lodging which (1890) yet stands at the east end.

[4] Enjoyed.

also been destroyed, "James Scrymgeour, tutor of James Recherdson," showed to the Council, "That whair be our auld enemies of of England the auld tolbuith, of whilk the ane half pertenes to James Recherdson in heritage, and is all that he hes to leive upon, is brunt and destroyit and can mak nae profit to him without the samin be reparalit and biggit upon new, whilk will extend till ane grite soum mair than [his] part of gear will extend unto; and as I am reparaling and bigging the samin," and considering "that be reason of the less age of the bairn it may be presumit that the land wes nocht ruinous, brunt, nor putten down, and at his perfect age [he may] come in contrair hereof," therefore desiring them to interpone their consent and authority, so that "gif I waur mair upon the bigging than James' part of gear will extend unto, the supplies may be tane off the readiest of the mails of [his] part of the tolbuith."

Robert Rollok gave in "ane supplication exponing that he hes twa tenements lying on the west side of Sanct Clement's kirkyaird brunt and tane down be Englishmen and men of weir, and is nocht potent to big and repair them;" and desiring the Bailies to give authorisation so that he may set them in feu "in his minoritie and less age;" and they took measures for giving effect to his desire. In a like case of a land in the Murraygait adjacent to the Meadows, "whilk wes consumit and brunt in the maist part be our auld enemies, and the rest thereof sae ruinous to decay that without remeid hastily be providit the samin sall be aluterly consumit," the Bailies gave instructions that the land be sold for the owner's benefit. Some houses lay for long ruinous and apparently unclaimed. "Anent the complaint of Sir David Alexrson, [chaplain of the Mains], and other neighbours of the down-latting and skaith come upon their yairds through the [ruinous] tenement of umquhile Robert Durham," (probably in the Seagait); "the tenement being viseit be the Bailies, it is ordainit that the stanes of the inner walls be tane to big up the sea dyke; and the yaird to be set to them whilk will give maist for the samin, that money may be had to pay for the reparation of the dyke."

1554. Ap. 2.

To preserve order in reconstructing the buildings the Bailies appointed four of the Council "to search and seek whair ony chops

or stairs are biggit in hurt of the common weill," and have "the awners callit before the Council and order put thereunto. And ordainit that frae thynefurth nae chop nor stair be biggit unto the time that the Council visie and see the foundations of the samin"—an order which was sometimes disregarded, and had to be enforced by extreme measures, as when the officers were instructed "to pass and tak down the hinging stair biggit be John Jameson in Sanct Salvator's Close, foranent the land of James Donaldson, whilk is fund wrangouslie biggit be John in hurt of James' land."

In order to give some relief to the owners of destroyed houses, the Privy Council enacted that a deduction should be made on the ground rent or feu payable to the superior, of "the feird penny" or fourth part where the building was totally destroyed, and of a less proportion where the destruction was partial. The most of these superiorities had been charitably devised for the endowment of the various altars in the Church; so the result was that the priests suffered a considerable reduction in their incomes—for which, however, there was this set off that the destruction of the Church had left nearly all of them without a place for the performance of daily service. James Fenton, Laird of Ogill, possessed certain houses on which he paid the feu to Sir Andro Gray, chaplain of St. Agatha's altar. These having been "brunt, wastit, and destroyit," a visitation of them was made, and they were found to be "nae better of avail than sixteen merks be the year." John Erskine had a house of which Sir Andro was also superior, and this was found to be "sae wastit, brunt, and destroyit our all" as to be "nae better than five merks of feu to the chaplain." Sir John Murray, chaplain of the Magdalen Chaplainry, having, "conform to the acts made upon brunt lands," agreed to certain deductions on the annual-rents which he derived from houses in the Wellgait, Argylesgait, Cowgait, and other parts of the town, Mark Barre, "patron of the Magdalen Chaplainry situate within the paroch Kirk, protestit that forsameikle as [the chaplain] had consentit to the defalkation without his consent as patron, the same suld be of nae avail."[1] Another patron behaved more liberally; for a house on the

[1] Mark was owner of the house of "Our Lady Wark Stair," and probably the patronage of this altar belonged to that property.

north side of Argylesgait pertaining to David Curmano, which paid an annual-rent to St. Bartholmew's altar, was relieved by James Scrymgeour, patron of that benefice, from part of the rent "because it was notably knawn that the men of weir ruggit down the loftings of the tenement," and that "it wes nocht habitable." It having been clearly shown to the Bailies that "Alexr Carnegy's land lying upon the south side of the Kirk Wynd, for the maist part wes brunt and destroyit be our auld enemies," they agreed that the feu mail payable therefrom to Sir John Burall, chaplain of St. Stephen's altar, should be reduced sixteen shillings. St. Michael's land at the West Kirk Stile, which belonged to the Wedderburns, was exempted from payment of "the feird penny" of the mail due to Sir John Wilson, chaplain of St. Salvator's Chaplainry, because the land "wes brunt and destroyit be our auld enemies of England."

It was found that the French and German auxiliaries who came to aid the Scots, in some cases completed the destruction which the invaders had begun. Sir Thomas Ducher, chaplain of St. Gregory's Chaplainry, who had already readjusted the ground rent of Dane John Quhyte's tenement on the north side of the Mercat Gait, "defalkit the feird penny" of the annual "awing to him furth of John Couston's land lying in Sanct Clement's kirkyard," because "it is notorlie knawn that ane part of the land wes brunt, and that the remanent [was] put in to ruins be the Frenchmen and others occupeing this burgh." Perhaps the foreign allies were blamed more than they deserved, for we find Sir William Spens, chaplain of St. Barbara's altar, refusing to reduce the rent he derived from James Bello's land which, it was alleged, they had spoiled, and he "hes tane to prove that [it] wes nocht brunt nor tane down be men of weir, Frenchmen nor Dutchmen, and therefore he should have payment of his annual." Sir William was, however, very hard and exacting, for he compelled Peter Querior to pay not only the annual due "the Witsunday foro[1] the town burning," but even that due "the Mertimes when the town wes brunt;" and he appears to have made claims beyond his legal rights, for at one time the Bailies arrested certain "annuals perteining to Sanct Barbara's Chaplainry

[1] Before.

in the tenants hands, and chargit them to keep the samin, conform to our maister the Provost's charge."

One man failed in making out that the burning of the town was a sufficient reason for enabling him to evade the payment of an annual for which he had become bound. About the year 1539, "it wes convenit betwix Robert Berry and Gelis Cunynghame, relict of John Berry," that "Robert suld have all and haill her conjunct-fee lands and tenements for all the days of her life," he paying "to her therefor yearly the soum of twenty merks;" and for this "appunctiament" he "wes actit in the town's bukes." The payment appears to have been regularly made to Gelis in lieu of her life-rent until the general destruction of the town, after which Robert, alleging his inability, discontinued it. Then Gelis complained to the Bailies and they, evidently judging that he was able to fulfil his bargain, ordained him to pay up the arrears. On this, Robert entered an appeal to the Lords of Council and Session, in which he showed "how that the haill burgh of Dundee wes brynt and destroyit be our auld enemies of England, whairintil nocht alanerlie all and haill the said conjunct-fee lands wes brynt, but [also] the said Robert's lands, whairthrough he is put to extreme poverty;" and therefore he claimed that the Bailie's act under which it was intended "to poynd and distrenze his guids nochtwithstanding the byrning and herisching foresaid.....ought nocht to tak effect nor have execution." The appeal came before the Lords at Edinburgh on 17th July 1550, when they confirmed the Bailie's decision by finding that the act to poynd Robert had "orderlie proceedit," and decerned that it "be put to execution in all points."[1]

The destruction of the venerable and magnificent church of St. Mary, whereof the burgesses had always been becomingly proud, was to them a heavy blow; for, with the rest of the town in ruins and themselves so impoverished, they could hardly hope to be able to restore it worthily. At an early time St. Andrew's aisle, which in part remained undestroyed, was roofed over to protect it from the weather, and its limited area was temporarily used for the performance of divine service. The rest of the ruins and the surround-

[1] MS. Register of Acts and Decreets, IV., fol. 113.

1551. Ap. 22. ing yard while they lay desolate, were desecrated by being used for common and improper purposes. "James Kinloch, paroch clerk, being accusit for suffering littit[1] wool to be laid [to dry] in the Kirk, put the wyte to James Rettre his servant, and is come in the will of the Bailies, and hes promisit to remove James and put ane other in his place." "Andro Brown grantit that he dichtit[2] his malt in the kirkyard abone inhibition put till him be the kirkmaister," and is "adjudgit to pay eight shillings to the Kirk werk for his unlaw, and siclike all others dichting malt there." The north part of the churchyard lay undrained and filthy, and a complaint having been made by certain "neighbours dwelling in Argylesgait, accustomat to pass and repass through the Mid Kirk Stile toward the Kirk, the kirkyaird, the shore, and other common places, that there hes been in time bygane, like as instantlie remains, ane standing pule corruptit with filth foranent and beside the Stile," the which is an "impediment and let to them in the passage," and desiring that "order and remeid be put to the same;" the Bailies, on inspection, "found the premises to be of veritie," but that "the fault can nocht be mendit without the haill gutters betwix the turnpyke of Sanct Michael's land" at the West Kirk Stile "and James Kinloch's heich house at the East Kirk Stile be alterit and laid of new," and ordained that this be done "at the sicht of understanding men in sic affairs, so that there may be ane equal decens of the water frae the turnpyke unto the East Kirk Stile."

Various methods were devised for raising funds to help in restoring the Church. The kirkmaster was instructed to "to pursue Our Lady annuals," which had not been paid for years; the collector of the crafts was "warnit to declare the craftsmen's minds toward their almous to the Kirk;" and measures were taken for enforcing the Dec. 31. payment for lairs from those who had buried their dead therein. A meeting of the Council, along with the deacons of crafts, "wes convenit in the Provost's ludging touching the common weill of this burgh, and the reparation and decoreing of their mother Kirk;" and the assemblage "freely grantit, ratifeit, and approvit in name of the haill commonalitie, that the auld [payments] for privileges

[1] Dyed. [2] Winnowed.

of lairs in the Kirk and queir, with the bells ringing, be liftit efter auld use and consuetude, as weill them bygane as in time to come, nochtwithstanding the spoilation and away taking of our bells be our auld enemies of England."

Wood suitable for the Church roof was obtained out of Baltic vessels. "In the cargo of a ship from Rosto twa dozen pieces of timmer of sixteen ells are assignit to be bocht for the Kirk." After a time such wood had accumulated, and when a new kirkmaster accepted office, his predecessor required him "to receive the timmer lying in the Kirk, that the samin may be put to the profit of the Kirk; protesting gif ony wes tint, stolen, or tane away, that it be nocht in his default." A contract was thereafter entered into for the construction of the roof out of this material. "It is appointit betwix the kirkmaister and Pattone Blak, wricht, for himself and his twa sons Andro and George, and ane other gude and sufficient man whilk he sall choose, that the said Pattone and the three other persons, wrichts, sall, God willing, mak till Our Lady Kirk or queir as mony cuppils as will serve the length of the queir or the body of the Kirk, as sall be thought expedient be the Council. The whilk cuppils sall be wrought sufficiently with double baulks and angular in the best manner that may be devisit, according to the heicht and breid of the gavels, with parpane jeists[1] to ane sufficient nummer as sall be thought necessar. And the cuppils to be squarit frae the nether baulk down for syling.[2] For the whilk cuppils making and upsetting, the kirkmaster sall pay to Pattone six shillings eight pence for ilk cuppil, togidder with his bounteth to be considderit be the Council conform to his lawbours. And Pattone to have the spails[3] or else as mony coals as they are of avail. And he to enter to the cuppils making" within a week, "and remain continually at the werk till they be endit." 1552. Oct. 10.

Although the Council had, by indenture made in 1442, undertaken to relieve the Abbot and Convent of Lindores from their primary obligation of constructing and maintaining the choir of the Church, Abbot John did not take advantage of the relief but, in this time of necessity, made a liberal grant for the restoration out of teinds Nov. 9.

[1] Purlines. [2] Ceiling. [3] Chips and cuttings.

which he derived from neighbouring lands. "George Rollok, elder, [of Wallace Craigie], and David Wedderburn, elder, of [Hillton of] Cragy,[1] are become cautioners and principal debtors to the Council of Dundee for ane reverend father in God, John, Abbot of Lundores, for the soum of five hundred pounds, usual money of Scotland, to be payit at thir terms following:—That is to say, twa hundred pounds at this next feast of Androismes,[2] ane hundred pounds at the feast of the Ruid callit Invencio Ste. Crucis[3] in the year of God 1553, ane hundred pounds at the feast of Petri ad Vincula callit Lammas[4] next therefter, and the remanent hundred pounds in complete payment at the feast of the Ruid 1554; and failing of thankful payment at the terms abone written, George and David's gear and guids to be poindit and comprisit therefor as law will. The whilk soum to be expendit and wairit upon the reparation and bigging of the queir of the paroch Kirk."

The Council were at first uncertain as to whether they would restore the nave or the choir, but the terms of the Abbot's donation decided for the latter. Accordingly, the choir was roofed over and separated by a stone wall from the rest of the Church, which for the time was suffered to lie in ruins. It is to be noted that the heavy part of the work was performed by forced labour. "The Bailies decernit the deacon of the werkmen of the shore to have ready thir [eight] persons to wirk at Our Lady werk simmer and winter when ever they be chargit be the kirkmaister, until the time they be dischargit." These workmen would, no doubt, receive the wages of pynours or labourers.

Pattone Blak, the wright, appears to have been the original feuar of the river-side portion of the lands of Wallace Craigie which is still called Blackscroft; and an arrangement was made by which his annual-rent of twenty-two pounds ten shillings was, with the consent of George Rollok, his superior, "consignit in the hands of the kirkmaister in name and behalf of my Lord of Lundores for the teinds of Wallace Cragy;" and from this the payments made to Pattone were

[1] Lindores Abbey derived twenty-five pounds six shillings eight pence of yearly mails "from Hiltoun and Mylntoun of Cragy"—Laing's Lindores Abbey, 423.

[2] November 30th. [3] May 3rd. [4] August 1st.

written off. So that in effect he paid his feu by his work at the Church, and his superior was reimbursed by withholding so much of his own teinds from the Abbot. We do not know what was paid to Pattone for other work besides the roof, but, when it was nearly completed, he received a bounty for the whole. "It is ordainit that the soum of ten merks be payit to Pattone Blak for bounteth for the binding of the cuppils of the queir, making skaffats thereto, completing of the east window of the gavel of the queir to the end thereof, and for the fulfilling of the principal contract made of before." 1552-3. Jan. 31.

The choir, as it was then restored, did not make any approach to its former beauty. The lead, which before had covered the roof, was replaced by gray slates, and the fine east window, instead of graceful and elaborate gothic tracery, was merely filled up with square frames of glass imbedded in rubble masonry. Such of the altars as there was room for were again erected; the first being the one maintained by the Guild of Merchants, which was placed in a temporary position until the Church should be completed. The Council granted that "the unlaws of all unfreeman occupeing of merchandise," which had formerly been paid for the uphold of its service, should be "given to the upraising of the Haly Blude altar." Thereafter they "ordainit the Dean of Guild to prepare the Haly Blude altar at the second pillar frae the east gavel of the queir upon the south side thereof, until the time the body of the Kirk be re-edifeit, when the altar sall be placit whair it wes of before. And ane chaplain to be namit to do divine service thereat. And all duties, Haly Blude silver, and other customs of auld aucht and wont, to be tane up be the Dean and his successors in all time coming for the uphald thereof." This altar appears to have been fitted up with some splendour. The following year, when a violent burgess mispersoned an officer, for punishment he was ordained "to deliver the kirkmaister ane crown of the sun to help to put up ane pale [or screen] of glass in the south aisle of the queir beside the Haly Blude altar." Other altars were erected as far as the limited area would permit. The Council decerned "that all craftsmen prepare their altars and cause divine service to be done thereat, conform to their letters of craft and auld consuetude. And whair there is crafts that hes nae altars and places in the Jan. 9.

queir now biggit, it is ordainit that ilk craft having an altar and place sall receive ane other craft with their chaplain thereat, unto the time they get their places and altars whair they war of before."

When it appeared that the English spoilers were to make a sweep of the silver plate from the altars, part of it was secured by friends and carried off to places of safety. We have seen that vessels belonging to the Almshouse altar were hidden in Invergowrie and afterwards restored; and we find that some of those which belonged to the
1550-1. Jan. 23. Church were in like manner recovered. "Elspet Elge and George Bell, her son, hes grantit them to present and deliver the ornaments of Sanct Katryne's altar in presence of ane Bailie to James Scrymgeour, chaplain. And also hes grantit that James Fyf of Drone hes the silver chalice of the said altarage." It was not, however, until nearly three years had elapsed that this chalice, together with other articles belonging to the altar (they having evidently passed through various hands), were discovered, and David Gardine, in Pilmour near Drone in the Carse of Gowrie, "grantit that he receivit frae David Aldcorn ane gilt chalice with ane spule upon it, with certain other gear, gold and silver, the whilk [he] hes deliverit again to David." A valuable portion of the church plate
1557. Aug. 12. remained hid for a number of years in the house of Hillton of Craigie, and was thereafter restored. "The Council and communitie hes receivit frae the hands of David Wedderburn of Cragye thir jewels underwritten:—In the first place, ane grite ocarist and ane small ocarist of silver our gilt, with ane pax and ane silver spune, whilk jewels David had in keeping of the Council and communitie. And because he hes deliverit the said jewels, we discharge him and his heirs for now and ever, and ordain this writing to be insert in the common court buke. The grite ocarist and ane crowat weighit five pund wecht. The chalice, pax, spune, and ane crowat weighit three pund twa unce. The little ocarist weighit twenty-four unce. Summa ponderis nine pund ten unce."

The injury done by fire to the Church tower was confined to the upper floors, which were of wood, and to the stone arches which surmounted the structure. The newly erected clock was entirely destroyed, but the five bells, being portable spoil, were saved and

shipped off to England; and there, in some quiet country place, may perhaps yet be found doing duty in summoning worshippers to morning prayer, and, it may be, puzzling plodding antiquaries over their dedicatory inscriptions. No attempt was made to restore the broken arches overhead, but the material of which they were built was used in the construction of the pent house which yet surmounts the tower. When this was ready for a roof, "James Kynaird and Edmond Fermorar oblist them for till set up the seventeen bund cuppils on their expense upon the roof of the steeple—the kirkmaister finding servants and stuff convenient for the upputting of the samin." The covering which was put over these couples had probably been of thatch—a material which was frequently used for roofing even important buildings—and this appears to be confirmed when we find that it required renewal after a short interval. In 1564, the kirkmaster was instructed to "put up ane ruiff upon the steeple;" and, six years later, a payment was made for "the reparation and theiking of the steeple."

1557-8. Jan. 27.

At an early time, means were taken for providing a clock and bell. "It is ordainit be the Council and deacons of crafts that ane tax of twa hundred pounds be set and gadderit incontinent for payment of the knok, and bringing hame of ane bell for the samin, and upsetting thereof. And the Council hes decernit the bell whilk beis bocht till ring freely for all neighbours and comburgesses at ony neighbour's decease, without ony contribution except twelve pence to the sacristan, ringer of the bell."

1553-4. Jan. 8.

The clock which was then made by David Kay, probably an Edinburgh craftsman, did not have the elaborate and substantial character of the one constructed ten years earlier by William Purves. During its long term of service it often went wrong and needed much reparation; yet its remains, which still stand in a corner of the tower, show that it is a good example of the honest hammerman work of the period. At first it had only one dial. "Robert Gagy is conducit to paint the orloge of the steeple for thirty-twa pence ilk day for his wage;" and the kirkmaster is instructed to provide five pounds to furnish gold and colours to the orloge, and to pay Robert daily wages."

The clock was reckoned a mysterious and delicate machine, and
1554. the Council bound those who had it in charge to warrant its safety.
Sept. 11. Before its completion "David Kay, knokmaker," having occasion to leave the town, "requirit the Bailies that he might have John Corntoun [the acolyte], licencit to keep the knok in his name and behalf for the space of forty days unto his return; the whilk desire the Bailies grantit, under protestation that what skaith or danger come unto the knok suld nocht lie nor be imput to the town's charge." When finished it was intrusted to Sir James Kinloch, the parish clerk; and his brother, William, became surety for him "that he sall do his exact diligence in keeping of the knok for his fee of five merks yearly," and that if "ony damage chances come unto the knok through his negligence," William shall "refund the skaith to the town." After the death of Sir James, in 1558, "the kirkmaister grantit him have receivit the common knok in the steeple frae William sufficient," and relieved him of the suretyship. But William's young son having been put into the office of parish clerk which his uncle held, the father became bound "to uphald the knok ganging justlie, and cause the bells to be rung at times convenient and usit until his son be able and qualifeit to serve in the office." And the treasurer was instructed "to deliver to William yearly—to be given to the keeper of the knok—ane stand of claiths."

A second bell which had been imported by a Dundee merchant, probably from Flanders, was purchased by the Council and intended to be hung beside the other; but, on consideration, it was reckoned
1556. to be too small, and measures were taken to get a larger one in
Sept. 17. place of it. At a meeting "conveinit in the revestrie, the Council committit full power to the kirkmaister till intromit and ship the bell whilk wes boucht frae James Rollok, younger, in Alexr. Curie's ship to Flanders or to ony other port for the intercheinging of the said bell with ane griter, as he thinks expedient. And what money he deburses betwix the intercheinging of the bells, he till have power till borrow Flemish money till pay the samin, as gude chaip as he may get it." And they instructed the treasurer "to pay him the borrowit money with the expenses made thereupon, within forty days efter the arrival of the bell at the pier of Dundee."

The peaceful season which followed the expulsion of the English, when, in the words of Bishop Lesly, "every man addrest himself to policie, and to big, plant, and plenish what had been wastit, brint, spulyeit, or destroyit," had thus enabled the burgesses while slowly rebuilding their desolated town, to re-edify the choir of "their mother Kirk," not, however, in anything like its ancient splendour, but into such seemly order as they could; and to raise some of the ruined altars, not as of before sparkling with jewelled vessels and shining with cloth of gold, but in plain and sober fashion, so that service might again be done decorously, although with maimed rites. They also took measures for saving the noble tower from decay, so that, though no longer crowned with stately arches of stone, it has continued to stand till now a thing of beauty; and they provided it with a useful clock and servicable bells. No attempt was made to restore the lesser churches or the convents, which continued to lie in ruins as the enemy had left them. They did not again serve as places of worship or of devout retirement, and their consecrated walls were never more to echo the solemn words of prayer or the soft cadence of matin or vesper hymn.

CHAPTER X.

THE WEDDERBURNS AND THEIR WRITINGS.

Their father a Dundee merchant—Mercantile training of James, the eldest son—His plays—The succession to his property—John, the second son, enters the Church—Writes Spiritual Songs—Robert, the youngest son, is also trained for the Church—He forms a youthful attachment—His rash disposition and escapades—Writes "Ballates" along with John—"The Complaynt of Scotland"—Evidence that he is its author—Association of the work with Dundee—He is placed in the Vicarage of St. Mary's Church—His sons.

The poets who came in a shining galaxy to lighten up the cimmerian darkness which brooded over Scotland until the middle of the sixteenth century, found that churchmen were a fair butt for their sarcastic shafts of wit, and they flouted the prevailing ecclesiastical corruptions with grotesque lampoons which covered dignitaries with ridicule, and did much to withdraw the sympathies of the people from the old Church. Among those who used these literary weapons with good effect James, John, and Robert Wedderburn of Dundee were not undistinguished. They belonged to a family which already held and long continued to hold a forward and influential position in the burgh. Calderwood tells us that they were the sons of "a merchant at Dundee called James Wedderburn, at the West Kirk Stile." This Stile, latterly known as School Wynd, was the principal access to the churchyard from the north. Wedderburn's house, which stood on the east side adjoining Argylesgait, bore the designation of St. Michael's land, the superiority of it having been held by the chaplains of St. Michael's altar. The first time his name occurs is in the list of merchants who, in 1515, obtained a charter for authorising them to found the "Haly Blude altar," and to elect a Dean of Guild. He possessed considerable

property in the town. Here is the record of a lease of a house belonging to him at the Murraygait Port. "It is appointit betwix James Wedderburn and Jok Saidlear that James has set for five years all the east half land utouth[1] the Port, with the part of the yaird, for twenty-six shillings of mail. And James sall ger big a wall betwix his part and Robert Mason's part, and sall mak a door to the high gait, and mend the stair and the asiaments in the land; and what costs Jok maks at the sight of James in any of the reparelling sall be allowit in his mails." Wedderburn appears to have been a somewhat notable man, and one ready enough to take part in the rude contentions which were characteristic of the time. We find him involved in a circle of sureties made to protect a neighbour from the lawless actions of him and others. "David Rollok is become lawborrows for Andro Barry, and Andro Barry for Richert Barry, and Richert Barry for Antone Alison, and Andro Barry for James Wedderburn, elder, that Sanders Scot sall be undistroublit of ilk ane of thae persons and they that they may let, but as law will. And James Wedderburn is bundin be his hand, lands, and guids to keep Andro skaithless." At the following Michaelmas he is named as one of the Council, and in 1523, he was elected to the office of Bailie.

1521-2. Jan. 29.

1521. Ap. 30.

James, his eldest son, "Was brought up," Calderwood says, "in Sanct Leonard's College [St. Andrews] in his youth in the time of the government of the Duke of Albany,[2] and was reasonably weill instructed in philosophie and humanitie. Thereafter he went to France, where he played the merchant. After his return he was instructed in religion by James Hewat, a black friar at Dundee. He confirmed the doctrine which the other had received in St. Leonard's College under Mr Gawin Logie."[3]

The difficulty which has been experienced in making sure of the identity and affinity of different members of the Wedderburn family who bore the same christian names, does not exist in the case of James; for, although there were at this time in the burgh two young men named James Wedderburn, we find them sufficiently distinguished in the records, the one as the son of Robert, and the

[1] Outwith. [2] Albany was Regent from 1514 to 1524. [3] Hist. of the Church I., 142.

other as the son of James—Robert and James having probably been brothers. After the return of James to Dundee, and while cultivating literature and acquiring religious knowledge, he appears
1521. Ap. 16. to have continued to occupy the position of a merchant. We find that when a dispute arose regarding "twenty-four angel nobles of fraucht" claimed by William Nicholl, skipper, "James Wedderburn, son and heir of James Wedderburn, is become surety that the skipper sall be skaithless at the hand of Martyn Bawkasky, merchant" in Edinburgh; and, when the dispute is referred to arbiters who "sall convene efter noon in James Bois' tavern, and deliver or the sun gang down.....James Wedderburn, younger, is surety for the merchant that the deliverance sall be fulfillit." He, like his father, was some time in the Council; and, in 1522, the year before his father was Bailie, he himself was elected to that office, which was an honourable recognition of the capacity of one so young.

"James had a good gift of poesie, and made diverse comedies and tragedies in the Scottish tongue, wherein he nipped the abuses and superstitions of the time. He composed in form of tragedy 'The Beheading of John the Baptist,' which was acted at the West Port of Dundee, wherein he carped roughly the abuses and corruptions of the Papists. He compiled 'The Historie of Dyonisius the Tyranne' in form of a comedy, which was acted in the playfield of the said burgh, wherein he likewise nipped the Papists." For his lampoons upon the corruptions of the Church, James, in 1540, "was delated to the King, and letters of caption directed to take him. He departed secretly to France, and remained at Rouen and Dieppe till he deceased." While in France, an unsuccessful attempt was made to induce the Bishop of Rouen to prosecute him for what he had done in Scotland. His death took place about 1550. "When deing, he said to his son, 'We have been acting our part in the theatre: you are to succeed; see that you act your part faithfully.'"[1]

1553. Nov. 3. Three years elapsed before this son came into the burgh court to claim his right of succession. "The brief purchasit be John Wedderburn as heir to umquhile James Wedderburn, his father, being read in judgement, and the indorsation thereof being verifeit,

[1] Calderwood's Hist. of the Church I., 141-2.

and all persons and parties having interest oft times callit, nane compearit to object agains the service of the brief. [Then] the inquest servit John as heir to his umquhile father, James Wedderburn, burgess of Dundee, salvo jure cumslibet, be the mouth of James Scrymgeour, chancellor, and thereupon John askit act."

We cannot tell if James Wedderburn's plays had been printed. Certainly none of them have come down to us, and we have no means of knowing their nature or judging their literary quality except from Calderwood's words. Their performance at the playfield beside the West Port, after the manner of the old Miracle or Mystery Plays, had evidently enraged churchmen; and we may conclude that, like those of his contemporary, Sir David Linsday, they proved to be a popular and not ineffective medium for satirising the gross abuses which then prevailed.

The two younger brothers entered the Church. John, after an educational training at St. Andrews (not, however, as Calderwood says, under Gavin Logie, but, as Professor Mitchell has shown in his work on the Wedderburns, at the school which afterwards became St. Mary's College), "being persuaded by his friends, albeit against his will, he took on the order of priesthood, and was a priest in Dundee. But soon after he began to profess the [reformed] religion.[1] Being summoned [in 1538] he departed to Almaine." From the Lord Treasurer's accounts it appears that he was at this time convicted of heresy and his goods escheated. In Germany "he heard Luther and Melancthon, and became very fervent and zealous. He translated many of Luther's dytements into Scottish metre, and the Psalms of David. He turned many bawdie songs and rhymes in godlie rhymes." The production of these spiritual songs, in which he was aided by his brother Robert, appears to have been the only literary work that occupied his atttention. Calderwood adds that "he returned [to Scotland in 1542], but was again pursued by the Cardinal and fled to England."[2] Dr Mitchell thinks that this second

[1] He apparently became secularised. Dr Laing in his preface to "The Gude and Godlie Ballates," prints an extract from the "Register of the GreatSeal" from which we find that when James Wedderburn, the father, acquired thirteen acres of the lands of Dudhope, his son John was associated with him in the purchase and named in the charter.

[2] Hist. of the Church, I., 142.

flight, which took place in 1546, was occasioned by the publication of the Songs and Ballads: and the surmise seems reasonable, for it is very probable that the first collected edition of them was printed that year. John Wedderburn died in 1556.

The historian says that "Robert the youngest brother, was brought up under Mr Logie, and he excelled his brothers both in humanitie and knowledge of the Scriptures." Gawin Logie, Principal of St. Leonard's College, was a man of enlightened and advanced views; and he "instilled into his scholars the truth secretlie, which they in process of time spread through the whole countrie. Whereupon did arise a proverb; when any man savoured of true religion, it was said of him, 'Yee have drunken of Sanct Leonard's well.'" Robert Wedderburn appears to have taken full advantage of his opportunities for acquiring knowledge in the highways of learning, and to have distinguished himself not only as a good classical scholar, but also as a careful student of general history; and he did not disdain to follow those humbler bypaths where were to be found the storied wisdom, the folk-lore, and the ballad literature of his native land. The poetic gift which he shared with his brothers, in him was cultivated on a more fertile field, and he shows in his works that he had a love of nature and an appreciation of its harmony and beauty, which did not usually characterise contemporary writers.

Very few incidents in his personal history have been recorded, but we know that in early manhood he formed a passionate attachment to one who appears to have deserved his regard. The name of the lady has not reached us, but he has celebrated her worthiness and his affection with the ardour of a lover and the genius of a poet in some verses which have been preserved. These are to be found in the 1567 edition of "The Gude and Godlie Ballates;" only one copy of which is known to be in existence.[1] The verses there stand apart in subject and in character from the other "ballates," and, probably for that reason, are left out of the edition of 1578, which has been reprinted by Dr Laing. Circumstances connected with the life of Robert do not leave us in doubt regarding their authorship. They are without title.

[1] This is in possession of the family of the late Mr Patrick Anderson, Dundee.

Welcum fortoun! welcum againe!
The day and hour I may weill blis,
Thow hes exilit all my paine,
Quhilk to my hart greit plesour is.

For I may say that few men may,
Seing of paine I am [re]drest,
I haif obtenit all my pay,
The lufe of hir that I lufe best.

I knaw nane sic as scho is one,
Sa trew, sa kynde, sa luiffandlie;
Quhat suld I do and scho war gone?
Allace! zit had I lever die.

To me scho is baith trew and kynde,
Worthie it war scho had the praise,
For na disdane in hir I find,
I pray to God I may hir pleis.

Quhen that I heir hir name exprest,
My hart for joy dois loup thairfoir,
Abufe all uther I lufe hir best
Unto I die: Quhat wald scho moir?[1]

From the warmth of the poet's language it is apparent that the intercourse between the lovers had been of an intimate character; and, from the tenor of the last line, we may infer that the lady had not been satisfied with an unblest union by handfasting, which was all that a postulant for the Church bound to celibacy could offer to make. The result of the connection was that two sons were born to Wedderburn.

He appears to have been of a rash and violent disposition, which sometimes led him into lawless actions. Dr. Laing has found in the "Reg. Secreti Sigilli," under date 6th January 1537-8, "Ane respitt maid to Robert Wedderburn, sone to James Wedderburn, burges of

[1] A spiritualised version of this poem will be found on page 150 of the reprint of the 1578 edition; but it does not have the simple harmony of the original verses.

Dundee, for the slaughter of umquhill [ ] Malisoun, and for all actioun and cryme that may follow therupoun, and for xix. yeris to indure."[1] And we find his name among those of the burgesses who are charged with having, in 1543, broken up the doors of the monasteries in the town, and destroyed the ornaments of their altars.[2]

Calderwood says that after some years spent in Scotland, "he went to Paris, where he remained chiefly in company of those that were instructed in religion;" among whom "N. Sandelands, son to the Laird of Calder," is specially mentioned. In 1546, about the time of the death of Beaton, he returned "home out of the east countries," and on the voyage "he and the rest of his fellows took the boldness to make [the Cardinals] portraiture or statue of a great oaken block, and thereupon write his name. They accuse him, condemn him, and burn his statue in a great fire." After taking part in this grim diversion, we need not be surprised to find that he is named as one of those charged with having given "traitorous assistance and support to Norman Leslie, James Kirkcaldy, and other traitors" while they held Beaton's castle after his murder.[3] From the order of Calderwood's narrative it has generally been understood that it was immediately after Robert Wedderburn returned to Scotland that "the Vicar, his mother's brother, being departed, he got possession of the Vicarage of Dundee." This is, however, a misapprehension, for we will find that it was not until five years later that he obtained the benefice.

At this time he was engaged conjointly with his brother in the production of the famous "Ballates." The historian tells us that, like John, "he turned the tunes and tenour of many prophane ballads into godlie songs and hymns, which were called 'The Psalms of Dundee.' Thereby he stirred up the affections of many."[4] John probably wrote (as Dr. Mitchell infers from Jonston's Latin lines), the larger part of the work which was the result of their combined labours, entitled "The buik of godlie Psalmes and spiritual Sangis. With diveris otheris Ballattis changeit out of prophane Sangis for

[1] Preface "Gude and Godlie Ballates."
[2] Appendix B.
[3] Ibid.
[4] Hist. of the Church, VIII., 147.

avoyding of sin and harlatrie."[1] This is a collection of devout hymns, versified Psalms and other passages of Scripture, and parodies or spiritualised versions of common and coarse songs, together with a number of poems which deal trenchantly with the prevalent corruptions of the Church. The book by its vigour and boldness soon obtained popular favour, and, no doubt, helped "to quicken and refresh" the early reformers in their polemical controversies and spiritual difficulties. The first collected edition was probably printed in Dundee in 1546, by John Scot, a printer who, after the Cardinal's death when, for the time, there was less restriction upon the free expression of opinion, established a press in the town. We do not know what works he issued, but they appear to have been of a controversial character, and intended to promote the progress of the Reformation. For his operations he was denounced; and John Scrymgeour, Provost of Dundee, was charged by Regent Arran to apprehend and "bring him to Edinburgh to be punished for his demerits and faults." This charge the Provost, however, evaded; and when, in April 1547, he was again imperatively "ordained to do his exact diligence for the seeking and searching of John Scott, under the pain to be halden art and part takar with him in his evil deeds," he, rather than undertake this, "renuncit his office of Provostrie of the burgh."[2] After the Reformation John Scot established his press in Edinburgh; and there, in 1567, he printed the earliest edition of "The Gude and Godlie Ballates" which has come down to us.

The fame of Robert Wedderburn as an author will, no doubt, mainly rest upon another work of a different character which has, although without positive authority, been attributed to him—that is "The Complaynt of Scotland," published in 1549. This work is written in the form of an allegory in which Dame Scotia is represented as exhorting her three sons or Estates—the Nobility, the Spirituality, and the Commons—instead of living in discord and

[1] We may judge that Robert's share in the production of "The Ballates" had been limited, from the description which he gives of "The Complaynt" in his preliminary "Epistil," as being "ane tracteit of the fyrst laubir of my pen."

[2] Reg. Privy Council, I. 69. The renunciation of the Provost was, however, only temporary, for later in the year, at the time of the English invasion, we find that he again held the office, and signed the conditions of "assurance."

following after selfish ends, to unite in performing their duty toward their mother, and show their patriotism by doing what in them lies to promote the common weal—a lesson which is inculcated by many historic examples and classic references, diversified with descriptive disquisitions on rural scenes, song, and story, which make it evident that the author had not only acquired much learning and culture, but was endowed with rare poetic gifts. Four copies of the first edition of the book are known to be in existence. They are, however, all incomplete, none having either a title page or the author's name; but it is believed that two of them which were in the library of Harley, Earl of Oxford, had possessed titles in 1745, when its catalogue was printed, as they are there described as "Vedderburn's[1] Complainte of Scotland." To only one known writer of that name at the eve of the Reformation could the work be attributed; and Dr. Laing—no mean authority—says, "I have little hesitation in assigning to Robert Wedderburn, Vicar of Dundee, the credit of being the author of that remarkable production;" and he adds that he had come to this conclusion "from the general tone and character of the book, as conveying the sentiments of one who was, perhaps, inclined in his heart to be a Reformer, although retaining his connection with the Romish Church, and who imitated Sir David Lindsay in exposing the prevailing abuses of the time; and more especially" from his "familiarity with popular literature," as shown by his "enumeration of the names of popular songs; seven of which Robert is supposed to have metamorphosed in 'The Gude and Godlie Ballates.'"[2]

Notwithstanding the force of these reasons some authorities are unwilling to accept them as altogether conclusive. They may, however, I think, be supported by others even stronger and more convincing. Dr. Murray in the reprint of "The Complaynt" which he edited for the Early English Text Society, while unprepared to assign the authorship to any other person, and admitting that the book must have been written by a churchman, contends that Wedderburn's claim cannot be substantiated, because one who had associated himself with Protestants in Paris, and had assisted in burning the great

[1] This was a common spelling of the name. [2] Preface to reprint of "Ballates."

Cardinal's effigy, could not have been the writer of a book wherein the author shows himself a partisan of the French faction, of which the Cardinal was the hero, deals mildly with the errors of the clergy "who sin against light," and contents himself with giving them a general exhortation "to repent their negligence and remedy their great abusion." But this reasoning is certainly not conclusive, for Dr. Murray might have much more forcibly said that one who had done these inimical acts toward the old Church, could not have afterwards accepted a benefice in it; and yet we know that Wedderburn did so, and died Vicar of Dundee. He farther urges against Wedderburn's claim that the book is partly written in the dialect prevalent in the south of Scotland, and that he was a native of the north. Now, although it may be found to contain some forms of words peculiar to the southern dialect, I do not think that any substantial argument against the probability of its author having been born in Dundee and educated in Fife, can thereon be founded. These places adjoin the southern division of the country, toward which their speech has a closer affinity than to the northern portion of the Lowlands; and we must bear in mind that Calderwood has told us that Wedderburn lived much with the Laird of Calder in West Lothian, and therefore he must have been familiar with the speech of that district. On carefully looking over the Dundee burgh records written at the same time as "The Complaynt," and mostly by members of the Wedderburn family, it will be found—taking consideration of the wide diversity of subjects—that their language and that of the book show a decided correspondence; and that the writing of both may reasonably be assigned to the same locality.[1] Besides, it must be borne in mind that the common literary language used throughout Scotland during the sixteenth century was the southern, not the northern dialect. The frequent use of French words in "The Complaynt," which Dr. Murray attributes to their prevalence in Scotland, may also in great measure be accounted for by the author's long residence in Paris.

[1] The spellings of the Burgh records as they are printed in this volume cannot be taken for comparison with those in "The Complaynt;" these, as I have noticed in the preface, having been considerably modernised.

The principal circumstances narrated in "The Complaynt" regarding the English invasion and occupation of the country, can only have reference to Dundee and its neighbourhood. Elsewhere in the south the invaders, after ravaging the district with fire and sword, soon departed laden with spoil; but on the banks of the Tay, with the aid of their ships, they at once obtained a footing in Broughty and in Dundee, and this they were able to maintain for a considerable time through the weakness of the government and the apathy of the people. "Our auld enemies" are described as "violently possessing ane certain of our burgis, villagis, and castellis to ther awen use but contradictione—the pepil being.....in maist extreme vile subjectione, rather nor lyik prudent cristin pepil."[1] Dame Scotia reproaches her unworthy sons, that while "my ald enemies hald me in ane miserabil subjectione, ye hald me in ane mair servitude be your disordinat neclegens and cowardise; my ald enemies dois me grite damage with ane grite army of men of weyr be sea and be land, but ye, undir the cullour of frendschip, [would overthrow me] for falt of gude reul and governance."[2] For those who, as we have seen, were seduced from their allegiance by English promises and gold, she has some scathing words:—Our enemies "are vigilant to conques you nocht alanerly be gryt multitude of men of weyr and ane grit number of schipis be sea burde, bot as weil be secret machinatione to blynd you be avereis, presenting to you gold, silvyr, and grit promessis of heretages to persuaid you to commit traison contrar your faith, honour, and common weil."[3] The English soon after their first occupation of Dundee appear to have despoiled the altars of St. Mary's Church of their silver vessels and ornaments of value; and this desecration the author likens to that committed by Antiochus, who "spulyeit the Tempil and reft the goldin altar, the chandilaris of lycht, and all the goldin veschels, and the tabil of propositione, the coupis, tassis, crouettis, crownis, and all the goldin ornaments of the sanctuar."[4]

Robert Wedderburn was then in Dundee, and it is probable that he wrote "The Complaynt" at that time and among those circumstances. The English professed to have come mainly to promote

[1] The Complaynt, I., 23. [2] Ibid. I., 73. [3] Ibid. I., 91. [4] Ibid. I., 76.

the advance of the Reformation; and, while they had command over the town and its neighbourhood, they offered "assurance" of protection to the persons and property of those of the inhabitants who agreed to their domination. Many who could not help themselves remained upon this condition, along with others who were favourably inclined toward the reformed doctrines, and felt disposed to look upon the invasion as in some respects a missionary enterprise undertaken for the weal of the country. Wedderburn appears to have had for the time some disposition to accept this view of the matter; and, no doubt, he was influenced by the fact that he had some property in the burgh which was at the invaders mercy. He had not welcomed their coming, as some ignoble Scotsmen did; although he looked upon their presence with a less jealous eye than a patriot ought, and judged it prudent to remain under their protection; probably hoping that they would help to purge the Church of its grosser impurities as he and his brother had tried to do in their "Ballates." We find him named among those who were afterwards "charged with being art and part of traitorously remaining under the assurance of the English, the old enemies of the kingdom;"[1] and this acceptance of their protection is thus defended in "The Complaynt":—"Thou wald allege that we can nocht purge us of trason in as far as we hes tane assurance of Inglismen. Allace! thou suld nocht imput our assurance for trason, for thou wat weil that we culd nocht resist the Inglismen," seeing that we had "our wyvis and barnis, our cattel and corne and our gudis in the boundis quhilk the Inglismen possest, [which] gart it be forse till us to be assurit."[2]

"The Complaynt" appears to have been completed and printed in the course of 1548; but, before it was put into circulation, a change had come over the aspect of affairs which considerably influenced the author's views. The English, who had professed that they came to promote the work of the Reformation, by and by lost sight of that object in the exercise of the usual violent and predatory acts of invaders; and, in November, they ended their occupation by burning and dispoiling the most of the town, in-

[1] Appendix B. [2] The Complaynt, II., 135.

cluding a house belonging to Robert Wedderburn, and those of many of his friends. These actions showed him that he had been vainly trusting to the invader's good faith—they, evidently, had come to overthrow and destroy, not to amend or to purify—so, instead of issuing his book as first written and printed, he altered it materially before publication. From a careful inspection of the work as finally printed at Paris in 1549, Dr. Murray has been able to show that the author has cancelled a considerable number of the originally printed leaves and substituted others. This, I have no doubt, was done under the influence of these changed circumstances and Wedderburn's modified opinions, to enable him to alter the character of the work. In one of the substituted leaves he shows the folly of depending upon the enemy's honour:—"Sum of you remains in your awen housis on the Inglismen's assurance," and "as sune as the Inglismen dreymis that ye have failyet to them, then thai repute you for their mortal enemies far mair nor thai repute ony Scottisman that was nevyr assurit; and, quhen ye have fulfillit the Inglismen's desire and hes helpit to destroye your natyve cuntre, yet the Inglismen sall nevyr call you ane uthir word bot renagant Scottis."[1] In another he says that they themselves have been divided by discord, and asks, "Quhat cite can indure quhen it is seigit and assailyeit without be enemies; and within the cite ringis mortal weyr amang the governours and inhabitantis?"[2]—many of whom, he says, "will neither tak ane plain part with Ingland nor with Scotland." And in a third, toward the end of the book, he exhorts his countrymen, "that now ye purge you with sum vailyeantnes contrair your enemies, to the effect that ye may revenge the extreme violent damage that ye hes sustenit be the unjust weyris of Ingland."[3]

The leaves which contained the chapter wherein Dame Scotia reproves her son Spirituality, have been almost all cancelled and others substituted. This chapter was, no doubt, originally written in the caustic spirit which pervades many of the "Ballates," and had contained as vigourous and trenchant a denunciation of the corruptions prevailing among churchmen as others do of the faults

[1] The Complaynt, I., 74. [2] Ibid. II., 165. [3] Ibid. II., 184.

of the Nobility and of the Commons. But by this time the Church had become a little relieved from the baneful tyranny of bigoted zealots, which was crushing the Christian graces out of it. Already it seemed to be recovering a part of its earlier and more genial influence, and even of itself had proposed to remedy clamant abuses. The author having lost faith in English professions, and hoping that reformation was to proceed from within the Church, does not in the inserted leaves rail against churchmen in any virulent or captious spirit, but contents himself with counselling them to "gif gude exempil in thy conversatione conformand to thy profession and to thy doctryn;" for "the decipil followis the conversatione of his preceptor rather nor he followis his doctrine." Farther, "The gude exempil of gude conversation wald extinct and superseit moir haistyar all perversit opinions and schisms nor all the punitione that Cristianite can execut." Finally, in the hope that the Church would of itself amend its errors, he earnestly "exhorts that thou cause all thy members concur togydder to mak reformatione of the sklanderous abusione that ringis amang them, and there efter thou sall treit concord betwix the universal leigis."[1]

In the author's "Monolog Recreative"—a poetical reverie which contains one of the earliest descriptions that we possess of rural objects, sounds, and beauties—some of the sketches have a local colouring which seems to associate them with the neighbourhood of Dundee. He tells us that having left the town and his studies, he "past to the green hoilsum feilds situat maist comodiously fra distemprit ayr and corruppit infectione, to receive the sweet fragrant smell of tender grasses and of hoilsum balmy flouris maist odoreferant. Beside the fut of ane little mountain there ran ane fresh river as clear as beryl, quhar I beheld the pretty fish wantonly stertland with their reid vermeil fins and their skalis like the brycht silver. On the tother side of that river there was ane green bank full of rammel green trees, quhar there was mony small birdis hopping fra busk to twist singand melodious reports of natural music."[2] This picture vividly recalls the little wooded valley in the front of the Sidlaw hills, into which the Dichty water flows from

[1] The Complaynt, II., 157-161. [2] Ibid., I., 37.

the neighbouring Loch of Lundie. Thereafter, continuing his walk by burns and boggy land, and past a farm with its pleasing diverse sounds of rural life, he says, "Then I drew me down throucht mony green dale," and "socht near to the sea side. Then under ane hingand heuch I heard mony hurls of stannirs and stanes that tumlit down with the land rusche, quhilk made ane felloune sound throucht wirking of the swelling wallis of the brymy sea. Then I sat down to see the flowing of the same, quhar that I looked far furth on the salt flude, there I beheld ane galiasse gayly grathit for the weyr, lyand fast at ane ankir."[1] A scene which reminds us forcibly of the wide estuary of the Tay near the town, at the place where the high bank used to overhang the beach at the Stannergait,[2] and to overlook the place where the ships ride at anchor. The large collection of ship-words and sea-phrases which proceeds from the galiasse, could only have been acquired by the author at a well frequented port such as that of Dundee; and at no estuary so likely as the Tay, where at that time hostile ships had frequent encounters, would a sea fight such as he describes between this ship and one belonging to the enemy have been witnessed.

Among the popular stories of the time, mostly classical and traditional, which the author enumerates, is "The Wal at the Warld's End," a tale which Robert Chambers has localized as prevalent only in Fife. It used, however, to be also current in Dundee, for I well recollect that in my young days it was one of the most weird and thrilling of those told by a venerable relative of my own, a native of the town.

On a consideration of the references to contemporary local events which the book contains, and of the local colouring which some of its scenes present, we can hardly avoid arriving at the conclusion that the writer had been connected with Dundee. We know from the Harleian catalogue that his name was Wedderburn, and to no other than to Robert do the circumstances under which it was written and the reasons for the changes which were made upon it before it left the printer's hands, seem to be applicable. The time in which he lived, the known incidents of his career, his acquaintance

[1] The Complaynt, I., 39. [2] That is the gait or road by the water-worn stones.

with burghal life and craftsmen's duties, his education, his training for the Church, his revulsion against its abuses, and his ultimate reconciliation with it and entry into its fold, together with his known ability and literary capacity, all associate him with the work; and, until direct evidence to the contrary can be found, he is entitled to be held as the author of "The Complaynt of Scotland."

Robert Wedderburn obtained possession of St. Mary's Vicarage shortly after the publication of his book; and, I think there can be little doubt, mainly in consequence of his having written it. John Barre or Barry held the benefice in November 1550, and the first entry in the records which notices Wedderburn's possession of the office, occurs in November 1551, when "John Anderson, mariner, grantit him have receivit frae Maister Robert Wedderburn, Vicar of Dundee, seven pounds eighteen shillings." The right of making the presentation was vested in the Abbot and Convent of Lindores, and we have seen that they insisted upon and maintained this right up to the time of the Reformation. He was presented in the time of Abbot John, a man distinguished for excellent qualities and practical good sense, who, in 1549, presided at a Provincial Council of the Church held in Edinburgh, that not only denounced "heretical books, especially poems and ballads against the Church or clergy"—which "were to be diligently sought after and burned"—but enacted canons for reforming the lives of churchmen.[1] Abbot John would not have given the benefice to one who remained at emnity with Church dignitaries, or continued to diseminate lampoons against them; and we may conclude that the author, in prospect of his early preferment, had suppressed his more scathing "Ballates" as far as he could—just as we have seen that he cancelled objectionable leaves in "The Complaynt" after it was ready for publication, and substituted others bearing the gentle reproof of the faults and failings of churchmen. We do not profess to justify Wedderburn for putting his hand to the plough and then turning back; but we know that the hearts of good men have sometimes failed them at making a sacrifice, even for conscience sake, and we can hardly presume to condemn his weakness. He may have trusted that good

[1] Pref. Stat. Ec. Scot., CL., quoted by Laing.

branches might yet be grafted into the decaying tree, and looked forward with some hope of finding a peaceful shelter under its shadow. St. Mary's Church lay dispoiled and destroyed, and the house which was raised out of its ruins had little of the beauty or grandeur which characterised the old fabric. The Vicar hardly lived till this restoration was effected; and he did not witness the greater troubles which soon came upon the Church. As already noticed, he took an early opportunity of rebuilding his house which had been burned by the enemy; and, in March 1551-2, he designated by charter[1] a large room in it to be used as the Vicar's chamber in all time coming. His tenure of the Vicarage was short; for he died before August 1553, at which time, as we have seen, difficulties occurred in the appointment of his successor.

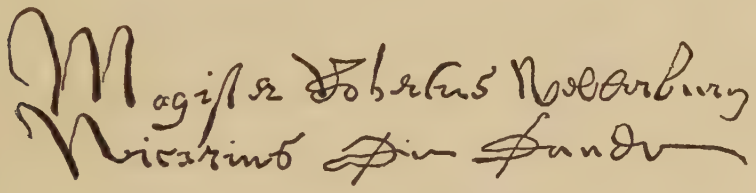
Shortly before his death he took measures for legalising the two sons who were born to him in early manhood. Dr. Laing found in "The Reg. Mag. Sig.," under date 13th January 1552-3, that he "obtained letters of legitimation, under the Great Seal, granted by the Governor, in the Queen's name, in favour of Robert and David Wedderburn, bastard sons natural of Mr Robert Wedderburn, Vicar of Dundee."[2] Robert, the eldest of these brothers, married Elspet Scrymgeour, and we find him, in 1551, claiming on her behalf certain rings and pearls about which there had been a contention. He died before 1556, leaving an infant son under the guardianship of his brother David, and in possession of the house in Argylesgait which belonged to old James Wedderburn. From a dispute which took place regarding a servitude over this house, it appears that an attempt was made by the Wedderburns to close up the Kirk Stile, which adjoined it.

1556. Dec. 18. In court "an indentit evident, sealit with the town's seal, wes producit," under which the possessors of "the land set in feu be the chaplain of Sanct Michael's altar," were bound "till uphald ane sufficient Kirk Stile at the north-west toward Argylesgait. And efter charges and warnings, David Wedderburn, tutor to Robene Wedderburn, pupil son to Robert Wedderburn, younger, heritor and feuar of the land, [compeared] and, efter lang reasons allegit

[1] Mr A. H. Millar has favoured me with a fac-simile of the signature to this charter.

[2] Preface Gude and Godlie Ballates.

be him in contrair the evident, the Bailies and Council decernit him as tutor foresaid, to prepare and mak ane Kirk Stile efter the tenor of the said evident." This decision had the effect of causing the Stile to be re-erected in its integrity; and so it continued for nearly eighty years, until after the house was out of the possession of the Wedderburn family, when Archibald Auchenleck, its then owner, also set covetous eyes on the adjoining ground, and cast the archway down. But he was likewise peremptorily required "to cause re-edifie and big up the North-westmost Kirk Stile, and mak the same in as good estate as it wes before his done-throwing thereof."



AUTOGRAPH OF ROBERT WEDDERBURN.

CHAPTER XI.

THE REFORMATION.

After the English invasion a charge of heresy is reckoned odious—A change takes place in public opinion—The master of the Grammar school favours the Reformed doctrines—Legal contention with Lindores Abbey—Difficulty in collecting altar rents—Minors placed into Church offices—The preachers of the Reformation—Landward churches despoiled—A Congregation established in Dundee—Struggle between the Queen Regent and Reformers—The crafts and their altar mortifications—Reformed priests.

Before the development of opinion and the succession of events which in due season accomplished the almost unanimous Reformation of the Church, Scotland enjoyed a short time of comparative quiet. The controversy was not suspended, but the disputants temporarily abated their virulence. The Church had softened somewhat its tyrannical rule, and even proposed to amend the lives of its clergy, so that its adversaries may have hoped that it would come out of the contest a purified and nobler community. Within Dundee there was to some extent a revulsion of feeling. Its burning and spoliation had aroused the resentment of the burghers, and prejudiced them against that reformation which the enemy professed to propagate. The destruction of ecclesiastical buildings and their "ydols" contributed to this, and we need not wonder to find that the sympathies of the people were, for the time, enlisted in favour of the suffering Church. There was no religious persecution; but it is a proof of the disfavour in which professors of the new doctrines were held after the expulsion of the English, that a charge of heresy was popularly reckoned, and by the magistrates recognised to be almost

1550. Dec. 1. as opprobrious as any to which a person could be subjected. "It is decernit be interlocutor of court that Cristane Donaldson hes

mispersonit James Martyone and his wife, calling him false heretic and his wife huyr; whairupon Cristane is adjudgit to pay forty shillings to the Kirk bigging, and ask James forgiveness in judgment. And gif ever sho uses siclyke in time to come to him or ony other, to pay ten pounds or then to be banishit."

This feeling was, however, only a temporary and local result of the cruel invasion, for men's minds were generally beginning to recognise the necessity for a change in the Church, and the burghers before long were taking a forward part in promoting the Reformation; although the Court records do not tell us of many incidents in connection with its progress. This is only what we might expect, for the gradual advance of opinion presents few points which may be made the occasion of record. The first reference we find to conflicting religious views occurs in a dispute which arose, apparently, regarding the orthodoxy of the instruction given by the master of the burgh Grammar School.

The public school which had been established in Dundee not long after the year 1224, when Gregory, Bishop of Brechin, granted permission to the Abbot and Convent of Lindores to plant one in it, appears to have met with early success; for it is probable that the monks—"not forgetting that one purpose of their foundation was to aid in the elevation of the people"—immediately set apart some of their number for the onerous duty of educating the young. The school soon became an important burghal institution of more than local fame. In proof of which, Henry the Minstrel, who may fairly be accredited with having had access to current trustworthy tradition on the matter, says that William Wallace came from the West country to receive his education there.

The first notice which is to be found regarding the working of the school occurs in 1434, when a dispute arose as to who had the right of supervising its teaching. The master, Gilbert Knight, presbyter, had been conducting it in a manner which did not meet with the approval of his ordinary, John, Bishop of Brechin, and, having been challenged and called in question for this, he appealed the matter to the Abbot of Lindores. He, however, found that although appointed by the Abbot he was under the jurisdiction of the Bishop,

who immediately suspended him. Thereupon he went to Brechin and, humbly acknowledging his fault, sought pardon from the Bishop, and power for his own confessor to give him absolution for not obeying the lawful and honest commands he had received for governing the scholars of the town of Dundee, and for appealing from the Bishop to the Abbot of Lindores on the ground that the school had been conferred on him by the Abbot. Further, he revoked the appeal and, confessing that he had appealed wrongly, resigned purely and simply his office of schoolmaster in hopes of obtaining a reappointment. His submission was, however, without avail; the Bishop would not restore him to office, but conferred the school and its government upon Laurence Lownan as master.[1]

Thereafter the school acquired a good reputation, and produced competent scholars. Hector Boece, the historian of Scotland, received his primary education there; and we know that in it were trained not only the youth of the higher burgher class but also many of the sons of neighbouring landed men. There was not yet, however, a school-house belonging to the common good, for the master received the fees and paid the rent. In 1522, John Fethy was master, and we find that when he was charged to pay the rent of the school to Alexr Ogilbe, Provost, he alleged that he "deliverit it to the Provost lang syne;" but he was ordained "either to prove the deliverance thereof, or else to deliver it again." The next master of whom we have notice also got behind with the rent. "John Bouchan, maister of the school, grantit him awing to Elesabeth Wedderburn four pounds for his school mail; whilk the Bailies adjudgit him to pay within term of law." They did not, however, require him to pay the rent of his lodging, but instructed "the treasurer to answer the mail of ane chalmer to the maister of the school, and deliver the key thereof to the maister."

1553. May 26.

On the eve of the Reformation Thomas Makgibbon was appointed master, and under his rule much trouble came upon the school and also upon the burgh. He had evidently adopted advanced opinions on the subject of the Church and its reformation, and these he appears to have been disseminating among his scholars—probably

[1] Reg. Epis. Brechin, I. 62.

with the connivance of the Council—much to the alarm of the ecclesiastical authorities. The Abbot and Convent of Lindores, who were really the founders of the Grammar school, and had repeatedly nominated its masters, now endeavoured to supersede Makgibbon, and they appointed John Rolland, whom, two years before, they placed in the Vicarage of St. Mary's Church against the opposition of the Bishop of Brechin, into the place of nominal schoolmaster, giving him power to appoint substitutes. Several substitutes were then nominated, who opened opposition schools and endeavoured to take away Makgibbon's scholars. The Council had, however, approved of his conduct, and they took measures for supporting him and suppressing his rivals by giving "inhibition till Robert Merschell and Andro Kemp that they nor nane of them teach ony bairns privately or openly grammar, Ynglish, or singing, but with the company of Maister Thomas Makgibbon, maister of the Grammar school, and Richard Barclay, maister of the Sang school. And gif they be found doing in the contrair to be banishit for year and day." They also issued a proclamation warning all the inhabitants that if they failed "to send their bairns to Maister Makgibbon's Grammar school" they would incur certain penalties. These decrees did not, however, prove effective, for we find that shortly after they were issued, "Robert Barry and Andro Fothringam are amerciate for sending their bairns to Maister Henry Levingston's school, contrair the inhibition made be the bell;" and, early in the following year, twelve persons are "amerciate for non sending of their bairns to our common Grammar school, and contempuandlie sending them to others, whilk they could nocht deny;" on which officers are ordered "to pass incontinent and puind every ane of them for the unlaw of aucht shillings, and also to charge [the neighbours] particularly at their houses that they send their bairns to our common Grammar school to be teachit, with certification, an they fail, that they sall be puindit." Even this did not have the desired effect, for numbers continued to attend the Abbot's schools, and the fines were increased. "Thir [thirty-two] neighbours underwritten are ordainit to send their bairns to be teachit be Maister Makgibbon, under the pain of the unlaw of sixteen shillings."

1555. Nov. 15.

1556. Sept. 28.

From the records of the Acts of the Lords of Council and Session we obtain some knowledge of legal proceedings which were then taken regarding the school. Abbot John and his brethren, along with "John Rolland, their pretendit schoolmaister," finding that they had failed in suppressing Thomas Makgibbon, then went into the ecclesiastical court, and from "the official of Sanct Androis and his commissaries obteinit ane sentence" declaring them "to have richt to the school, and to the presenting of ane maister thereto," and "monishing" the Town Council "to desist and cease frae all molestation and perturbation of Maister John and his substitutes in brouking of the office, under the pain of cursing." The admonition not having had any effect, the Council "susteinit the process of cursing;" and, following upon the disability which that process implied, Abbot John and the Convent "obteinit letters in all the four forms" charging them to desist from their opposition, "under the pain of rebellion, and failing thereof to put them to the horn." On this sentence "coming to the ears" of the Council, they appealed "therefrae to our halie father the Pape, or to ane reverend father in God, John, Archbishop of Sanct Androis, [his] Legate," from whose judges they obtained temporary absolution from the cursing, and "suspension of the letters in the four forms." The whole matter was thereafter carried into the civil court, and, on 3d December 1557, the Council along with Makgibbon, and the Abbot and Convent along with Rolland compeared by their procurators before the Lords of Council; when the Court, after consideration, suspended the letters and the process of horning.[1]

The contention continued for some time after this, but a search among the records of the High Court has not resulted in the discovery of further information regarding the legal proceedings. To meet some of the expenses incurred in Edinburgh, the Town Council
1557-8. Feb. 4. subsequently instructed the treasurer to send "ten crowns of the sun to Mr Alexr Foras for fordering the pleys of the school." So late as 1559 the dispute had not been finally settled; but the course of events and the spread of the reformed doctrines soon thereafter ended the schoolmaster's difficulties by the overthrow of Lindores

[1] MS. Register of Acts and Decreets, Vol. XVI., fol. 163.

Abbey and the summary suppression of his rivals. We find that Henry Levingston is summoned to court for non-payment of his rent, and not compearing, he is amerciate and found to have incurred the usual penalty, which was five shillings for each day that it remained unpaid.

After the burgh had settled down under the newly established order in the Church, it was found that there was an increased demand for education and, to meet this, certain improvements were made in the school. The Bailies, with advice of "the Council and honest neighbours," entered into a new and more liberal arrangement with Thomas Makgibbon, by enacting that "ane merk yearly be payit be ilk bairn and disciple of his learning grammar; and be ilk [learning] letters, whom of his Doctors[1] hes nocht [many] days met, four shillings; and be every bairn within his school six pence in house mail in the year, so that Mr Thomas do his duty and kene the bairns sufficiently in grammar, oratorie, and poetrie—to the trial of the whilk George Wischard, Bailie, is made to hear and perceive gif the maister does his duty. And this act to have strength to puind the fathers of the disciples that will nocht pay." It is likely that under the rigorous test which George Wishart now applied, Thomas had not proved to be a competent master. By the end of the year he was out of his office, and probably trying to earn a livelihood by other means; for, at that time, we find Thomas Makgibbon's wife pursuing a man in court for the price of a barrel of ale, which, no doubt, was home brewn. His predecessor in office was then reappointed under new conditions. "The Council and Deacons in the revestrie hes conducit and feeit John Bouchan to be maister of the Grammar school, to instruct the bairns in all manner of letters according to his power. For the whilk cause the township assigns to him eight shillings of ilk grammarian, and four shillings of the lettours in the year, and sall furnish to him ane school convenient, and pay him forty pounds for his fee." 1560. May 28.

The increase of scholars consequent upon the Reformation had probably proved too heavy for Bouchan's abilities, and within two years another was appointed. "Maister Alexr Hepburn hes bound 1562. Dec. 23.

[1] Assistants.

himself to instruct the haill youth of this burgh and others resorting thereto abone the age of eight years, in oratorie, poetrie, grammar, and moral letters, and also in gude manners and cumlie order." For which the Council agree "to pay him yearly twenty pounds of pension, togidder with four pounds to pay his chalmer mail; and furnish to him ane gude and commodious school. And there sall be nae other school nor his sufferit within this burgh, only to young bairns and women children alanerlie, except it be with his consent. Mairover he sall have of everie grammarian of the town's bairns ten shillings; and also of ilk [learning] lettours four shillings to be applyit upon the uphald of the Doctors. And everie grammarian sall give him at his entry twelve pennies, and ilk lettours six pennies, with the duties and accidents usit and wont." To provide a commodious schoolhouse, the Bailies "conducit with James Lowell anent his laich southmaist house next the seedmarket for seven years; James making the same sufficient with windows;" and "to be payit yearly the soum of three pounds."

Although the illegal schools within the burgh had been suppressed, a troublesome one was established in the Constable's adjacent domain of the Hilltown, where the decrees of the Bailies did not run. They, however, dealt with it in such a manner as they could, by "ordaining that nae neighbour, inhabitant of this burgh, presume to hald their bairns at John Fewthie's school in the Rattoun Raw but at the pleasour of Maister Alexr Hepburn; and what neighbour beis fund contravening this to tyne his freedom perpetuallie. And siclyke, that nae neighbour, under the same pains, receive bairns in buirding frae landward whilk passes to the said John's school."

The recovery of Church and altar rents was, as we have seen, a matter of some difficulty at the time when the houses from which they were derived lay in ruins; but the reduction of a fourth part, and the ready assistance of the magistrates, enabled the chaplains for a few years to recover reasonable stipends. No doubt churchmen had occasionally to deal hardly with their tenants in order to secure their own interests. We even find, at the time Robert Wedderburn
1552. Aug. 4. was Vicar, the Lady priest and the choristers taking a widow's pots

in pledge for the payment of arrears. "Margret Broun, relict of umquhile James Henderson, webster, grantit that James' land is awing to Our Lady chaplain and to the ebdomderies of the queir four merks for twa years' annual. For the whilk the ebdomderies grant them have twa bressin pots in pand, and ten shillings payit" —a summary method of securing mails which was not unusual."

But as the crisis of the Reformation approached, the collection of rents became more difficult, and the magistrates, beginning to apprehend the nature of the impending change—which they, indeed, were promoting—refused to give their usual summary decrees, and left the chaplains to fight their debtors by civil action. "The Bailies ordainit officers to pass with the choristers of the queir to every tenement debt-bound for ony annual-rents, and inquire at the occupiers or proprietors what rents their lands respective aucht, and be what space the samin rests awing, and, according to their confessions and grantings, that the officers puind their readiest guids and gear and mak payment thereof to the choristers. Otherwise, gif nae confession beis made, the choristers to pursue therefor themselves be way of action." 1558-9. Jan. 13.

It was expected that there would be valuable pickings at the dissolution of the Church, and measures were taken for appropriating some of its offices for behoof of influential burgesses. Among those who acquired right to such a place was William Kinloch, who belonged to a family which for long held a leading and important position in Dundee. He himself was a merchant trading extensively with foreign ports, especially in the Baltic, and had at times been able to render the Council effective service in forwarding commercial negotiations. We find some interesting particulars regarding the business he carried on, in a letter written by him from Elsinore to his son John at Revel, which was produced before the court, in 1554, in connection with a disputed transaction in Denmark, with the proviso that it "be without ony inspection of the partie."

"John wit [ye],

I have spokine at lynthe with the Burromaister, Alexr Lyall,[1]

[1] Alexander Lyall, the Burgomaster, appears to have been of a Forfarshire family.

anent David Williemson. He hes shawine me quhat charge he gef you to keip that money of the herring, and bring it onwarit to Denmark to pay the men I wes caution for David Williemson that I be nocht trublit in my west cuming. I pray you be wyse and do now that ye may be spokine of in tymes past; for now is your first voyage quhilk, gyf ye gyd honestlie, ye sall find proffeit & honour. Mairower gyf John Fothringhame desyris money of you, delyver him of David Williemson's money fifty dollers; quhilk fifty dollers the gudeman Sanders Lyall will cause be rebatit in the soum that I am caution for him in Copmanhauyn. Commend me to David, & shaw him I hef his letter with me concerning his broderis decese in Pole. I am sa haistit that I can nocht tary to wryt to hym now. And God keip you.

At Elsonure ye Ferd day Junij,

WILLIEM KINLOCHE.

Wit ye I forzet to wryt to you of the Franche broune [claith]. As to the wyne, other sell or barter with gud lynt or wax; and desyre John Rolland's counsele."[1]

William Kinloch owned considerable property in the town. A portion of the Grayfriar's lands which he subsequently acquired, long went under the name of Kinloch's meadow, and now forms part of the Albert Institute ground. His house was on the west side of the lower end of what is now Union Street; and it is a proof of his influence with the Council that he was able to acquire a desirable piece of ground in front of it at an extraordinarily reasonable rate.

1558. Aug. 7. "William Kinloch actit him to deliver twenty-four pund wecht of gude and sufficient culverin powder to be applyit to the common weill of this burgh, and that because [the Council] have disponit and given to him ane piece of ground lying foranent his western new land, upon the wester side of the windmill, with all lichts, privileges, and commodities that he pleases big thereupon. And they ordain their common seal to be affixit to their letter of gift." The ground thus acquired is, no doubt, that upon which the Trinity

[1] This letter is printed in the original spelling.

house lately stood. In 1610, Dr. David Kinloch,[1] the famous physician, joined it to his property on the north by building a wall across the road (Yeaman Shore), but this was interrupted and ordered to be cast down.

The arrangement by which William Kinloch became the beneficiary of a Church office was in this wise. Richard Barclay, master of the Music school, and also, on the death of Sir James Kinloch, parish clerk, having, probably, been aggravated into using "injurious words and doing contemption to the Bailies," he resigned the latter office in "the Provost and Bailies' hand—wha hes the gift of the clerkship"—and they, about the time that the land was sold for gunpowder, appointed "their weill-belovit Robert Kinloch, son lawful to William Kinloch, their neighbour and comburgess, to the clerkship of the parochine of Our Ladie, with all casualties and obventions belonging thereto." The new parish clerk was only a boy, but it seemed likely that the duties of the office were about to come to an end. The magistrates did not, as had before been usual, receive a "testification" from some of the chaplains that the candidate "wes sufficient and qualifeit to serve the office," but they bound William, his father, "to find ane sufficient substitute unto the time that he be qualifeit." They also, judging that the time was favourable for diverting some of the Church revenues to themselves, "actit William to pay yearly to the treasurer the soum of five merks, because they disponit the office to Robert. Whilk soum sall be applyit to the common weill of this burgh." Part of the parish clerk's duty was to take charge of the new clock and bells, and William undertook "to uphald the knok ganging justlie and cause the bells be rung at times convenient and usit till his son be able and qualifeit." The validity of the boy's appointment had apparently been called in question; for, the following year, he was unable to recover payment of his duties. On this the Bailies, who saw that the interests of the burgh were at stake, "ordainit officers to pass, fortify, and assist Robert Kinloch, undoubtit and lawful paroch clerk, in puinding

[1] I formerly judged that Dr. Kinloch had been the son of William; but Mr Millar has shown from the Burgess Roll that he was the son of John—he to whom the above letter is written—and consequently that he was the grandson of William.

all and sindrie persons wha hes nocht as yet made payment of their clerk's mail, and cause him to be answerit and payit thereof, because it is perfectly knawn that Robert is lawfully providit to the clerkship."

George Rollok, elder, of Wallace Craigie, was also able to use enough influence to get his young son appointed to a desirable benefice. The office of "chaplain of St. Clement's Chaplainry and Kirk," was held for a considerable time by Richard Jaksoun, a dignitary who had shown himself active in looking after its emoluments. In 1540, we find him setting profitably in feu a part of the lands of Craigie which belonged to his Chaplainry. In 1557, when he endeavoured to take possession by decree of the court of Thomas Nicoll's land lying between the Murraygait and the Meadows, "for the arrears of twa merks of annual-rent awing to his Chaplainry," the process was alleged to be unnecessary because "the ground wes strenzeable be virtue of timmer lying in the close of the land;" and this having been verified, "poinding wes decernit, and open yetts decernit to Maister Richard to enter and poind for his annual." The following year, no doubt, by arrangement with Rollok, he formally demitted his office. "The procurator of Mr Richard Jaksoun, chaplain of Our Lady altar situate within the Kirk of Sanct Clement," came before the Council "and, be virtue of his mandate, resignit and gave our be buke and chalice in the name of Mr Richard, the benefice of Our Lady altar with all profits perteining thereto, in the hands of the Bailies and Council as patrons thereof, in favour of George Rollok, younger. Whilk resignation being receivit and admittit be the Council, they ordainit their letters of presentation to be made in maist ample form to George, with all profits, emoluments, mails, ferms, and duties belanging thereto for all the space of his lifetime." The young man was not yet in priest's orders, and George Rollok, elder, became bound "to pay yearly to the treasurer, to be disponit at the avise of the Council, the soum of five merks sae lang as George, his son, is nocht able to serve the benefice;" and farther, "oblist him to renounce and give our the benefice in the town's hands as patrons, efter the decease of Mr Richard Jaksoun, in case that they may safely dispone upon the

1558. Nov. 7.

same conform to the laws of the country, as of other benefices whereto they are patrons, and apply them to the common weill." The Council expected to derive considerable emoluments from this benefice, which they had thus in effect placed in commission for the common weal; and they already with practical forethought contemplated "repairing the Chapel of Sanct Clement to be ane weigh-house, and lofting the same."

The newly appointed dignitary did not succeed in recovering the annuals of the house in the Murraygait, and the old chaplain was called on "to prove sufficiently, as accords, that ane annual-rent of twa merks is awin to the Chaplainry furth of Thomas Nicholl's land, and his title and interest thereto." Mr Richard alleged that "the probation necessar" was in Edinburgh, and he was instructed to go there and follow the matter. Then Nicholl's procurator, contending that the chaplain's demission had deprived him of the right to pursue, "protestit, that gif Mr Richard had nae richt presently to follow the annual-rent, for absolution." Thereupon George Rollok, elder, foreseeing trouble if the old chaplain obtained any recognition of his right, "protestit on behalf of his son—allegit lawfully providit to the Chaplainry—that what were done in the action betwix Thomas Nicholl and Mr Richard suld nocht prejudge or hurt his son's richt." 1560. Oct. 16.

The general feeling of revulsion which had long been manifested against the prevailing abuses in the Church, in the course of 1558 assumed a definitive character of opposition to part of its tenets and teaching. A spirit of inquiry was abroad which led to the searching of hearts. "Then every man began to look more diligently to his own salvation," and those of like mind joined themselves together in common action. "It was agreed that the brethren should assemble at certain times in every town to the common prayers and reading of the Scriptures, till it pleased God to give the gift of exhortation to some, for comfort and instruction of the rest." Thereafter a few laymen commenced to exhort "according to the measure of grace given to them; [and] God so wrought by Paul Methven that many in Angus and Fife began openly to renounce their idolatry.....insomuch that the town of Dundee began to erect

the face of a Reformed Church publicly, in which the word was preached openly and the sacraments truly ministered."[1] Lindsay says of Methven, who was a native of the town, but had been abroad, "Then he cam in Scotland and preached at Dundee and in sundrie gentlemen's places in Angus and also Fyfe—to witt, in Couper, Lundy, and at Fawsyd, and ministrat the sacraments of the communion in Dundee and in Couper, and caused the images thairof to be castin doun, and abolished the Popis religion so far as he passed or preached. For the whilk causes he and they that recept him, and especiallie the men of Dundee, were summondit before the Queen and Counsall."[2] Another annalist says, "Robert Maul had with him at syndrie times the ministers that were chiefest in the country—to wit, Paule Meffane and John Brabner. This John was ane vehement man, inculcating the law and pain thereof; but Paule Meffane was ane mair mild man, preaching the Evangel of grace and remission of sins in the blude of Christ."[3] Before long the new doctrines, although not yet generally professed, were eagerly received by many—"but chiefly the faithful in Dundee exceeded all the rest in zeal and boldness, preferring the true religion to all things temporal;"[4] and this town was "the first in which a reformed Church was completely organised, provided with a regular minister, and favoured with the dispensation of the sacraments."[5]

When men's minds by the heat of controversy and the ardour of faith had become awakened to the importance of the interests which were at stake, and to the necessity for the changes which seemed impending; an earnest and competent leader was found ready to help in overthrowing venerable abuses and restoring the Church to some of the simpler and purer conditions which characterised its primitive state. John Knox, after a long absence on the Continent, returned to Scotland early in May 1559. Within a few days after his arrival we find him in Dundee, where he saw that the circumstances were favourable for the commencement of the campaign. The new preachers had been exercising their vocation

[1] Calderwood's Hist. of the Church, I. 333.

[2] Lindsay of Pitscottie, II. 523.

[3] Registrum de Panmure, I. xxxii.

[4] M'Crie's Life of Knox, II. 402.

[5] Ibid., I. 230.

with an energy which excited the indignation of churchmen, and the Queen Regent "solicited Mr James Halyburton, Provost of Dundee, to apprehend Paul Methven. But he, fearing God, gave secret advertisement to him to avoid for a time."[1] Thereupon Methven was indicted to compear before the Privy Council at Stirling on the 10th of May, to answer "for usurping the authority and ministry of the Church, and for taking upon himself the service thereof—not being lawfully admitted thereto—at the feast of Pasche last.....and continually thereafter administering the sacraments of the altar to several of the lieges within Dundee and Montrose..... and, without licence, haranguing and preaching to the said lieges, and persuading and seducing them to his erroneous and seditious doctrines and heresies."[2] On Methven receiving this citation, "it was concluded that the gentlemen of every shire should accompany their preachers to the day and place appointed. The professors of Dundee and the gentlemen of Angus and Mearns went forward with their preachers to Sanct Johnstoun in a peaceable manner without armour." John Knox "craved earnestly that he might be suffered to assist his brethren, and to give confession of his faith with them, which was granted. He went with them to Sanct Johnstoun, where he began to exhort and teach."[3] Paul Methven did not, however, compear before the Queen's Council at Stirling, and he and George Lovell were denounced as rebels and put to the horn.

There are some interesting particulars regarding these events in a hitherto unpublished letter, written on the 19th May by Sir James Croftes, Governor of Berwick, to the English Lords of Council. He says, "Since the arrival of Knox a great number of the nobility with a multitude of others repaired to the said Knox to Dundee, where he and others doth continually preach. Whereupon the Regent commanded those preachers to appear affore her at Stirling;

[1] Calderwood's Hist. of the Church, I. 439.

[2] Pitcairn's Criminal Trials, I., Part I., 406. While Methven preached at this time in St. Mary's Church there had been crowds of listeners. On February 4th 1558-9, Alexr Smyth was ordained "to be scurgit through this burgh and banishit .....because, being apprehendit with pickery and theft this last Sunday in the Kirk, he confessit the same."

[3] Calderwood's Hist. I., 440.

and they being accompanied with a train of five or six thousand persons, the Regent dismissed the appearance, putting the preachers to the horn.....After this the companies retired, and part of them going to Saint John's town, have there expulsed friars and others out of two religious houses."[1] Not only did these rioters expel the friars out of their monasteries, but they wantonly destroyed the beautiful buildings, and despoiled them of their rich furnishings. John Knox says that this was done by "the rascal multitude;" but it is to be deplored that the leaders of the Reformation did not make an effort to save these and other grand memorials of the patriotism and piety of our forefathers, which were recklessly and foolishly ruined in the progress of the work. It is a grievous loss to Scotland that they have not been left till now to excite our reverence for the good men who founded them, and to stimulate us in imitating such worthy deeds.

Two of the churches in the Carse of Gowrie about this time were despoiled of their bells, which thereafter found their way to Dundee. In July 1560, the Bailies ordained "James Young to exhibit and produce before them the bell of Kynspindie, whilk wes arrestit in his house, to the effect they may do justice thereanent." He, however, failed in this, and they peremptorily enjoined him "to deliver to Archbald Dowglas of Kynspindie his bell, or pay him the soum of twenty pounds." Liff bell had been similarly carried off, and some months later the Bailies ordained "William Carmichell to deliver to the parochiners of Lyff their bell, taken be him frae certain persons wha wrangously intromittit therewith."

The churches and monasteries in Dundee had continued to lie in ruins as the English left them eleven years before—excepting that the choir of St. Mary's had been roofed over and furnished with a few altars—so that there was little left for iconoclastic revellers to destroy, and the town was saved from the stigma of doing such pitiful work. Circumstances led peacefully up to the change, and the new order appears to have succeeded the old without virulent contention. Some confusion there may have been, but the only tumult of which I find record was when a few riotous persons broke down the outer gate of

[1] MS. Letter to the English Council. Appendix D.

the Blackfriars' monastery and destroyed the vegetables which the friars had been cultivating among the ruins. "Edmound Fermerer, wright, is decernit to big and repair the door of the Blackfriar's kirk-yaird—wha wes be Findlo Dunckan challengit—also to content and pay to Findlo fifteen shillings for the skaith of the herbs and kale growing thereintil,[1] in respect that he confessit that he took down the door, and Findlo provit the skaith." 1559. July 20.

No time was lost in adapting St. Mary's Church to suit the new and simpler services, and making arrangements for conducting them decently and in order. "The Bailies, with avise of the maist part of the Council, ordain George Lovell, [treasurer], to deliver to Paull Meffan, their minister, furnishing during the time that he sall remain in the parochine; and this to be given furth of the tolbuith silver." Aug. 4. They did not, however, continue to pay thê minister from the funds of the common good but, the following year, took measures for securing the vicarage dues, and appointed a collector of the teinds of the parochine, instructing him to recover those "whilk suld be applyit to the uphald of the minister." To provide for properly conducting the accessary services the Council, with the Deacons of crafts, met in the revestrie and appointed "John Yong, maister of the Sang school," in addition to leading the psalmody, to perform the duty of "reading in the congregation;" and agreed to pay him twenty pounds "for his service made and to be made in manner foresaid, and to remain or to be dischargit for soon or lang as the Provost, Bailies, Council, and Deacons please." They subsequently arranged that the treasurer pay John's stipend "from the profits and duties of St. Thomas' Chaplainry."

Before the definitive establishment of the new order in the Church by Act of Parliament, Paul Methven was removed from the town to Jedburgh; and, in July 1560, William Christeson, "that faithful pastor of Dundee," was appointed by the Lords of the Congregation. His stipend, although afterwards considerably increased, at first was only "twelve score ten merks." During his ministry the Church in Dundee was very prosperous, and he and the other office-bearers were reckoned worthy of all honour. When David Yeman, one of the elders of the

[1] The friar who had been cultivating herbs in the ground is probably the Findlo Duncan whom we find, in 1560, performing the offices of a chirurgian.

congregation, complained that John Curing—"he never offering him offence in word nor deed—come foranent his buith door in presence of the people, and there, to his open defamation and sklander, callit him oppressor, and nocht able to bear that office in the Kirk whilk he bears, with mony other injurious words, doing that lies in him to cause God's word be sklanderit;" the Bailies, much scandalised and "heavilie lamenting the sklander, being avisit with the depositions of diverse honest men, decerne John to come openly to the place whair he committit the offence, and there reverently, as he aucht, ask David forgiveness; and mairover pay to the puir of the burgh the soum of twenty shillings for their uphald."

The struggle which took place between the Queen Regent, on behalf of the Church, and the Lords of the Congregation, who led the Reformers, was bitter and protracted. The Regent was aided by a considerable French force which, during the early part of 1560, did considerable damage to Protestants by burning villages on shore and plundering ships at sea. One of those that suffered by this was a merchant who belonged to a well-known Dundee family. We find that among the vessels captured there was "ane ship and her laiding full of victual taken frae George Clahills, indweller of Trolsound, be the Frenchmen, keepers of Inchekeyth." It is, however, remarkable that, after the French were altogether gone, and the friendship of the ancient allies had been finally severed by the barrier of the Reformation, restitution for the ship was made, apparently by Queen Mary herself, to Clahills. "Mr Edward Henrysoun, advocate, and Maister George Heriott, burgess of Dundee," paid on behalf of "Bartilmo Weilmoir of that ilk comptroller to our Soverane Lord and Lady,[1] to Thomas and Peter Clahills, burgesses of Dundee," for their brother "George, indweller in Trolsound in Germany," the sum of seven hundred and seventy-nine pounds "for the avail of the ship and her laiding."

1560. Nov. 5.

There was a considerable contingent of Dundee burghers in the army of the Reformers, and they took an active part in the various skirmishes which occurred at Coupar, at Perth, and at Leith; Provost

[1] Francis II., Queen Mary's first husband, was yet alive, but his death happened shortly after this, and then she returned to Scotland.

Haliburton, "one of the ablest military leaders of the Congregation, in particular distinguishing himself by the manner in which he commanded the artillery. On the arrival of an English force of ships and men to assist the Reformers, the French were invested in Leith; but they made a successful sally upon their besiegers which was bloody and disastrous. In this fight the Dundee burghers, suffered considerably—Captain Alexander Haliburton and Bailie George Lowell having both been slain. Several surgeons from the town were in attendance upon the wounded on this occasion, and we find from the Burgh Court records that, after a number of years, they had not been rewarded for their services. "James Caraill, chirurgian, deponit before the Bailies that, at the comand of the Lords of the Congregation, in the year 1560, at the assiege of Leith, he made grite labours and costs upon the curing and healing of Inglismen and Scotismen there hurt and woundit; and knowledge was taken of his labours be the Captain and other officers of the men of weir there present; and he obteinit my Lord Earl of Murray's writing direct to the Bailies, bearing that gif the said James made the said labours they suld cause him be recompensit therefor, as the rest of the chirurgians of this town whilk war present at the assiege, be payment of certain mails assignit to them furth of the Abacie of Stonisland; [but] he and the rest of the said chirurgians could get nae payment of the said soums. Wherefore he protestit that he might have testification that he was unpayit, that he might seek payment again at my Lord of Murray's hands who causit him to labour." We do not learn if the surgeons ultimately obtained any reward for their services.

1567. May 24.

In July the belligerents ended hostilities by the conclusion of a treaty of peace under which the foreign forces on both sides left Scotland. Thereafter Parliament met, and adopted resolutions which finally established the Protestant religion as it is embodied in the Confession of Faith. The number of leading Dundee men who were with the army had, by their absence, disorganised the burghal government, and, from August 7th 1559 to April 22d 1560, there are no records of Council meetings. While the ordinary routine of the burgh was suspended, probably toward the end of 1559,

an important conference in which John Knox took part, was held to consider the question of whether an unliquidated claim held by Scotland against the Portugese, justified the capture of one of their ships by Scotsmen. "Maister James Haliburton, Provost, and William Carmichall and George Wischard, Bailies, and the maist part of the Council being convenit in James Lowell's ludging at the assemblie with John Knox and the ministers and elders of the Congregation; efter reasoning and trial had upon the letter of mark grantit to umquhile Gilbert Logane to tak of Portugalls their guids and gear till the satisfaction of ane certain soum—as the rights producit be William Logane, Captain, purport—ordain their seal of cause to be directit to the Wardens and others, Magistrates of the north of England, declaring that William Logane, David Witte, and John Mortoun, captains and masters of the Lyoun and Lyoness, her bark, are now inhabitants of Dundee, and of the Congregation; and that ane bark laden with suckaris and oils, now arrivit at the port of Haly Island, is their just prize be reason sho perteinit to the Portugalls."

Among the changes which the Reformation rendered necessary, was an alteration in the relationship between craftsmen and the Church. The original charters granted by the Council on which the privileges of the different corporations were founded, enforced the duty of craftsmen toward "Haly Mother Kirk," and provided that the fines exacted from them for breach of rules or dereliction of duty should be paid for the "uphald" of the altar of the patron saint of their individual craft. This was now changed. "The Bailies sitting in judgement, with avise of the Council, decern and ordain their common seal to be appendit to the crafts' letters of ratification of their privileges conteinit in their auld letters except the idolatrie therein conteinit;" and instruct the treasurer "to keep this present act for the keepers of the keys of the common kist's warrant" for producing the seal.

1560-1. Feb. 28

When the vocation of the priests came to an end and their altars were overthrown, they, no doubt, mostly conformed themselves to the changed circumstances and accepted the reformed doctrines. The churchmen in Dundee do not appear to have been objects of

popular disfavour, for there is no record of any of them being subjected to contumely, and certainly some were held in general esteem. Sir James Wicht, who filled the office of chaplain of St. Colme's altar and also of the Almshouse, was a man much respected in his office, and held to be worthy of trust in the performance of duties even of a secular character; as when John Burne becomes bound "to deliver to Mawsie Watson ane kirtle of the finest russat that is made within this burgh," and this is ordained "to be done at the command or sicht of Sir James Wicht." After the altar services had ended, the Bailies endeavoured to maintain his income to him, and ordained that "all persons resting awing ony annual-rents bygane and in time coming to James Wicht or his benefices, mak him thankful payment; and that because it is notourly knawn that he is ane man of sincere and true religion and of gude conversation, and hes renouncit all Papistrie and idolatrie." 1560-1. Jan. 24. Sir John Sowter, the chaplain of St. Andrew's altar, was similarly honoured and assisted to his rents. "Elene Cathro is ordainit to pay to John Sowter—some time Sir John—the soum of five shillings annual-rent awing furth of her land lying at the West Port." When Queen Mary, in 1567, granted to the burgh the Chaplainries, Altarages, and Places of the friars to be applied for "The Foundation of the Ministry and Hospital," she reserved to the chaplains, friars, and nuns "the use of the fruits and duties during their lives;" and we find that, in 1573, Sir John Sowter, chaplain of Sanct Andrew's, was one of nine priests who were "yet on lyfe," and drawing the rents of their benefices. Andrew Cowper, chaplain of Sanct Ninian's altar, and also of St. Blaise's Chapel in the Thorter Row, repeatedly received marks of favour from the Council, both before and after the Reformation. St. Ninian's land, which stood on the north side of the Castle Hill and "on the south of the Hedder merkat in the Merkat Gait," was an important asset belonging to his Chaplainry; and, for the purpose of improving his income, "Andro Cowper, with consent and assent of the Council, very patrons of the Chaplainry, and with consent of John, Bishop of Brechin," feued the land for an annual payment of four merks; and shortly after, also with the Bishop's consent, feued the ruins 1554. Sept. 6.

of St. Blaise's Chapel for ten pounds. The Bailies had verbally promised him an additional benefice, but he had not reckoned this sufficient and, in 1556, they formally "in the vestrie ratifeit the gift and promise made to Maister Andro Cowper of the next Chaplainry vacant at the town's gift; upon the whilk he askit act in court." The following year we find him pursuing Elizebeth Farchar for an annual-rent of seven shillings six pence, payable from a land in the Seagait; on which "Elisebeth allegit that the land payit nae annual to the Kirk werk this fifty year; whilk answer Harbart Gledstanis, prolocutor for Maister Andro, acceptit sae far as it made for him and nae otherwise, and desirit her to produce the auld evidents of the land," which the court adjudged her to do. When the great change came, Andrew took to secular, even to militant pursuits, and the Council, with ready favour, appointed him to the office of burghal "maister gunner." To this he joined the rather incongruous business of "glassin wricht;" and they, in 1565, granted to him "for the space of his lifetime the ludging whilk he occupeit lying on the south-east of the new flesh-house," formerly known as St. Ninian's land, in return for which he became bound "to mend the haill glass windows of the parish Kirk," and also "to attend upon the artillery of the burgh in using thereof when time necessar sall chance."

CHAPTER XII.

THE APPROPRIATION OF ECCLESIASTICAL PROPERTY.

The priest's vestments and altar ornaments—St. Mary's churchyard—St. Clement's Church and yard—St. Blaise's Chapel—The Rood Chapel and yard—The Gray Friars' Monastery—The Black Friars' Monastery—The Gray Sisters' Nunnery—The timber work of Lindores Abbey.

The eagerness of many leading reformers for the purification of the Church was, no doubt, stimulated by the expectation that valuable ecclesiastical spoil might, at the time of disintegration, fall into their hands—a result that too surely followed; for a considerable part of the Church property and revenues which might still have been consecrated to good and general uses was misappropriated by self-seeking patriots. In burghs these funds were not, however, altogether lost; for the rulers secured much of them for the common good; and in years long after, in spite of misuse and waste, an important remanent has often been found applicable to suchlike purposes as those to which they were originally devoted.

In Dundee there does not appear to have been any foolish destruction of articles of beauty or of use on account of their having been tainted in the altar services of the old Church. The splendid vestments of the priests were neither destroyed nor treated contumeliously; but, with characteristic good sense and economy, were sold by auction on the condition that they were to be altered to serve for gowns to the members of the Kirk-Session. "The haill communitie being warnit be the bell to the rouping of twelve kapes, their vestments, and their ornaments, whilk servit some time in the Papistrie within the burgh, the bode of John Fleshour wes esteemit to be maist, and the Bailies therefore dispone to John the twelve kapes with their ornaments, to be intromittit with be him at his pleasure. And the Council and communitie obliss them

1559. Aug. 7.

to warrant him" in possession "of the kapes at all hands pretending interest thereto, so that he cause the kapes be alterit for the Session, and never to serve in Papistrie herefter. And therefore John hes actit him to pay the treasurer the soum of six score pounds." The break in the continuity of the records leaves us without knowledge as to what became of the silver vessels of the altars. Some of the chalices would, no doubt, be continued in use as communion cups, and the rest of the silver would probably be sold for the value of the metal. The fine MS. Calendar, the now rare and highly valued Sarum Missal, the Sarum Gradual, and the Roman Breviary which formed part of the altar furnishings, had no value for stern reformers, and were ruthlessly destroyed. This we know from the leaves of these service books which have been preserved till now within the covers of contemporary protocol books that lie in the burgh archives. A brazen font, probably a fine specimen of mediæval art work, did not at that time go to the melting pot, but was laid away in a safe place—no doubt with the idea that it might yet be found an appropriate baptismal vessel. "The Bailies ordain the haly water fatt of brass to be put in the volt abone the revestrie in sure keeping, unto the time they, with full consent, dispone thereupon."

After the Reformation was accomplished, the churches and their precincts no longer maintained their ancient odour of sanctity, and the Council, now valuing them in a merely mercantile spirit, took possession of part of the deserted buildings and lands, with the view of selling or leasing them for the burghal interest. Already they had shown how little they valued St. Mary's venerable ruins, by decerning that "David Wedderburn, younger, sall have three gutter stanes whilk wes on the south aisle of the Kirk, to prepare Sanct Clement's well, he paying therefor to the kirkmaister siclyke price as he sells the remanent."

In view of the disposal of ecclesiastical properties, the craftsmen—whose sanction by use and wont was necessary at either the purchase or sale of common lands—evidently fearing that the public interest would suffer if private bargains were made, protested by their collector "that nae common gude nor common places in this burgh be set nor disponit to ony person privately, but roupit three

1560. Oct. 10.

days continually, as use is, for the common weill"—a condition which was observed at all the subsequent sales that were effected.

St. Mary's churchyard, which was never used as a burying-ground excepting, in 1651, for those massacred by Monk's soldiery, at this time extended westward considerably beyond the West Kirk Stile—now known as the School Wynd—and this portion the Council resolved to appropriate and sell as the first spoil that fell to the common good. They, however, found that the owner of one of the houses in Argylesgait, which formed its northern boundary, had opened a door into the ground, which might establish him in some right and interfere with their sale; so they peremptorily "ordainit James Kynnard to big up sae meikle of his window in the kirkyaird as he hes taken down, and mak it as heich abone the ground as it hes been in times past, and use it as ane window and nocht as ane door; because they consider the same to be ane novation." Following this they offered for sale by roup "that piece of waste ground betwix the westmaist cheek of the West Kirk Stile of Argylesgait unto the north gavel of the Sang School;"[1] bounded by the Argylesgait houses at the north, "Michell Johnestoune's land at the west, and the gait passing through the kirkyaird frae the said Kirk Stile at the east part. The piece of ground being three days roupit in judgment," it was sold to John Ferne and John Alyson for "the feu ferm of forty-twa shillings, payable to the treasurer in name of the town alanerlie." In the rental roll of 1581 this ground is designated, "The yaird in the kirkyaird." 1560. Oct. 14.

Our Lady Gait, the southern boundary of the churchyard, was then a narrow street which extended from where the School Wynd is, east to the Market Gait. There were no houses along its north side in the front of the Church, excepting at its west end where stood the Mason Lodge, a building of considerable size, and at the East Kirk Stile—now Tally Street—where there were two houses. The eastmost of these belonged to John Panton, officer, to whom the Council "for gude service done and to be done be him," sold eight feet additional width "the haill length of his house, with liberty to big thereon," for the annual feu of one shilling four pence—

[1] The Sang School then stood where the south-west corner of School Wynd is now.

1560. Oct. 16. so making his ground the width of the Mason Lodge at the west end. Thereafter they offered by public roup the strip of ground along Our Lady Gait, "extending betwix Henry Nicholson's gavel unto the Middle Kirk Stile foranent the Earl's Inns,[1] and frae the said Kirk Stile westward, all in the kirkyard, to the common Mason Ludge; providing always that [the purchaser] leave ane passage of twelve foots at the east gavel of the Ludge for serving of the entry thereof, and also that it shall nocht be lesum to him to big ony manner of how[2] cellars or stairs aither upon the north or south of the haill bounds, and that the same be of nae mair breid nor the Ludge is presently." Before the sale took place Alexr and James Scrymgeour "protestit that the rouping of the ruids of land betwix Henry Nicholson's house and the common Mason Ludge suld nocht prejudge their richt thereto, [nor] the richt and title whilk the Constable, their superior, hes to the same." This protest was, however, disregarded, and the ground "wes set in feu ferm to John Fleshour for yearly payments to the treasurer of nine shillings six pence for ilk ruid." The land had probably been sold at this low price in consequence of the Constable's claim. This, however, appears to have been departed from, for the following year the sale was cancelled, and "John Fleshour renouncit and overgave to the township all and haill thai ruids of land." Thereafter the Council feued the ground anew in separate lots, at considerably higher rates, to persons who built houses upon them. In 1591, they "appointit the haill feu mails in the kirkyard to appertene to the kirkmaister," instead of to the treasurer—thus admitting that the ground was really church property. The houses along the narrow Gait remained until early in this century, when their removal and the widening of the street restored to St. Mary's Church its fine open frontage.

St. Clement's Church lay so conveniently near to the Market Gait that the building, although roofless, was at an early time designated as a suitable place for the tron or public weighing beam, which had hitherto stood upon the open street. In 1558 the Council let to Andro Annand the right of exacting dues for weighing goods "for the

[1] Otherwise the Earl's Lodging—the house of Lord Crawford, which stood opposite to the south transept of the Church. [2] Sunk

payment ilk quarter, sae lang as he finds to himself ane house, of five merks forty pence; and gif the town repairs to him the Chapel of Sanct Clement to be ane weigh-house, and lofts the same, to pay quarterly the soum of eight merks ten shillings." The proposed alterations were not, however, made, and the building stood unrepaired for two more years. Then the Council resolved to sell it along with a portion of the surrounding ground by public roup for an annual feu, taking the purchaser bound to make part of it suitable for a weigh-house to belong to the common good. On the appointed day they "set to Robert Wedderburn that piece of ground callit Sanct Clement's Kirk and kirkyaird, with ane hinging stair upon the west gavel abone the west door, conteining of breid at all parts and of length as it is staikit presently," for "the yearly soum of fifteen merks. And he sall furnish ane sufficient weigh-house to the town to be of the bounds of the twa pairt of Sanct Clement's Kirk as it stands in length, and of the haill breid, and of heicht fourteen foots, with ane door at the west and ane other at the north." This transaction was not, however, carried into effect. Apparently Wedderburn had not offered satisfactory security for fulfilling its conditions, and the minute of sale was cancelled by mutual consent. 1560. Oct. 10.

Following this the Council took measures for preventing the recurrence of such a failure; and "statute that what person taks Sanct Clement's Kirk either in feu or alienation, or ony other common place or common gude, sall have his cautioner present at the running furth of the glass, and, gif it be ane yearly duty to the town whilk is bidden, the bidder sall incontinent or[1] the Provost and Bailies pass to dinner, infeft the township in as meikle annual rent of his best lands as the same extends to, and receive seizin of that whilk [he has] purchasit be bidding; and this until the lands taken in feu be biggit responsal." Thereafter they again offered the Church, with only a small part of the ground on the north, east, and south, at public roup; and "set in feu ferm to George Lowell their piece of waste land callit Sanct Clement's Kirk and kirkyaird, passing nae farther west nor the west gavel of the Kirk as it stands, and to contene in length frae the east twenty-ane ells, at the east end to contene of breid fourteen ells, and

[1] Before.

at the west the breid of nineteen ells; and to have nae stairs outwith the bounds nor how cellars, but only to have stairs upon the west abone the door now in the Kirk, for the annual feu of ten merks to the common gude." George "mairover sall furnish, big, and mak to the town ane sufficient weigh-house at the west part of the bounds, conteining of length nine ells, of breid six ells, and four ells of heicht, with ane greit door at the west and ane other at the north, with free passage to baith." And he shall also "infeft the township in ten merks feu mail yearly furth of ony of [his] best lying lands in this burgh incontinent." In the rental roll of 1581, the payment for the property is entered:—"Ten merks yearly of feu mail furth of George Lowell's heirs land some time callit Sanct Clement's Kirk."

The weigh-house was immediately made and its tenancy let at public roup for thirty one merks of yearly rent; although it had been reckoned of higher value. At the roup there were two contending bidders, and James Wedderburn, the one who was disappointed, claimed that he gave the highest bode, and "desirit the weigh-house bredds and wechts to be deliverit to him as he that bade maist for the weigh-house; and protestit that he micht obtene the profit thereof upon the town, whilk wes daily half ane merk, an he wantit the weighs and wechts."

The construction of the weigh-house in the west end of the under part of the Church, and the subsequent erection of a timber front outside of the stair, destroyed almost entirely the ecclesiastical features of the building. The upper floor, to which the old loft stair gave access, appears to have been at one time used as the Grammar School, at another as a storehouse for wool, and subsequently as a dwelling house. Other houses of a like character were built on the south, and by and by the former use of the place became forgotten. Antiquaries always reckoned the weigh-house a curious specimen of old burghal architecture, but they would have looked on it with far more interest had they known that the great west door with its splayed jambs and lintel, and the curious hanging stair overhead were veritable portions of the Church of St. Clement; and respect for the ancient structure and its associations would, probably, have saved some fragments from the destruction which at a recent time befel them.

There is no record as to how a number of the smaller chapels were disposed of at the time of the great change. We find that part of the outlying land of St. Blaise's Chapel was alienated shortly after the burning of the town, and that before the Reformation came, the ruins of the Chapel itself were disposed of by a charter granted by Maister Andro Cowper, the chaplain, "to George Ramsay, with the consent of James Scrymgeour, patron, and confirmation of the Bishop of Brechin, ordinar thereto, of all and haill ane land and tenement.....lying south frae the parpale[1] of the fore yett perteining to the Chaplainry of Sanct Blaise, lying at the west part of ane wynd callit the Thorter Raw,[2] to be halden of our Soverane Lady and her successors for payment yearly of ten pounds to the said Chaplainry." Besides this there was a further sum of "thirteen shillings four pence in augmentation of the rental, by reason of a former infeftment," claimed by the Council; but this was objected to on behalf of the feuar by Sir William Lude, curate of St. Mary's Church. It was, however, paid, and continued to be an asset of the kirkmaster long after the Reformation; although there is no record regarding the payment of the ten pounds, which probably ceased on the death of Andro Cowper who, in addition to his new offices of "maister gunner" and "glassin wricht" had, no doubt, continued while he lived to draw the emoluments of this Chapel as well as those of St. Ninian's altar.

1556. Oct. 20.

The burghal authorities took possession of the Rood Chapel and its yard some time before Queen Mary's charter gave them legal right; and they let for agricultural purposes "to James Wedderburn all and haill Sanct John's kirkyaird, lying beside the Ruid Chapel and adjacent to the common fishings, with all the pertinents.....to be peaceblie broukit, joisit, occupeit, labourit, and manurit be him till three years be outrun;" for which he shall "pay the treasurer and the common gude eleven shillings yearly." And "the Bailies, Council, Deacons, and Communitie hes bund themselves to warrant, acquiett, and defend" James in possession "agains all deidlie as law will, but fraud or guile; and this in respect of the kirkyaird being three days roupit in judgement—the hand bell ilk day passing through the burgh and making declaration thereof—this day being the last, and

1561-2. March 6.

[1] Pillar. [2] That is The Cross Row, from Scottish thort or thortour, to cross.

the bode of James wes considerit to be maist for the town. Providing always that gif it please God to visit this burgh with the pest or the three years be completit, it sall be lesum to the sick persons to eird in the kirkyaird and remain thereintil, the said James being satisfeit and payit for the corns reasonablie whilk he there sall have growing." The kirkyard was, however, no place in which to grow corn; for, during the dark days of pestilence which repeatedly visited the burgh, many who died in the lodges along the river bank were buried there; and latterly it was used as a place of sepulchre for seafaring people and strangers. The Rood yard is yet consecrated to the dead, and, although it is within the bounds of the burgh, it has a lonely solemnity which seems to well befit the quiet resting place of many generations. The author of "Dundee Delineated," writing in 1822, says that "the remains of the Chapel were to be seen not long ago;" and that it was believed part of the foundations then existed on the south of the ground.

Although the Gray Friars' Monastery had remained for ten years roofless and uninhabitable, the monks continued to cultivate its corn-fields and meadow lands that stretched along the adjacent slopes, and to gather the fruits which they produced. But the crop that grew in 1559 was not reaped by the brethren; for before harvest time
1559. Aug. 7. they had all gone, and the Council, assuming the right of possession, called "the haill town be the bell to the rouping of the corns whilk grew upon the acres whilk some time perteinit to the Gray Friars." Before the sale began, Andro Gray, commissioner for John Scrymgeour, Constable of Dundee, "compearit and proponit that forsameikle as the Constable wes informit that the Council were mindit to roup and set the acres, lands, and yairds, and the corns growing thereupon, whilk some time perteinit to the Gray Friars; and, as the Constable had richt to ane part thereof, he therefore protestit that what wes done thereanent this day should nocht prejudge his richts." They did not offer any part of the lands for sale, but "the bode of George Yong wes esteemit to be maist for the corns," and therefore they disponed them to him, and became bound "to warrant, relieve, and keep him skaithless of the corns at all and sindrie hands whatsumever pretending interest thereunto," on him paying the treasurer the sum of fourteen pounds.

In October of the following year the Council, being about to build a new flesh-house "bewest the Castle burn on the Merkat Gait," they resolved to take "sae mony of the Grayfriars' stanes to the bigging as will sufficiently big the same." The new tolbooth was likewise being built, and it was, no doubt, to supply material for it that they afterwards determined on the complete destruction of the ruins of the beautiful old Church; and ordained the treasurer "to tak down all the stanes of the Kirk and steeple of the Grayfriars, to be applyit to the common weill of this burgh."

The Constable appears to have made good his claim to "the third part of the meadow," and this his successor held till 1588, when he sold it to the town at a reasonable price. The Council kept possession of the rest of the Gray Friars' lands, and let them on lease to Thomas Monorgound. Shortly after doing so they, however, finding that the enclosed portion in which the Place itself stood would be a suitable burying-ground for the burgh, made a contract with the "tacksman of the acres, crofts, and yairds sometime perteining to the Gray Friars," under which he "gave his special power to the township to intromit now presently with the yairds within the dykes lying at the north side of this burgh, to the effect they may dispone thereupon or mak thereof what they please for the common affairs or weill of this burgh; ourgiving and discharging all richt and title whilk he had or hes thereto." For the "whilk cause the Council agreed to remit to him the payment of ony victual or other duties to the treasurer for the rest of the acres," excepting an annual rent "of ten pounds alanerlie." It is probable that the ground was immediately used for burials, although the community as yet had no legal right to it. This was, however, provided two years later, by a grant from Queen Mary which gave licence to the burgesses "to bury their deid in that Place and yaird whilk some time wes occupyet by the Gray Cordelier Friars;" and to this purpose the ground has since continued to be appropriated. The singular designation of "The Howff" which the burying-ground acquired in consequence of having been the regular meeting-place of the crafts, was, I now find, attached to it almost from the first. A practice having become prevalent of going over its walls for a near cut, "the Bailies statute and ordainit that what person that ever beis apprehen-

1562. Apr. 28.

1565. Apr. 13.

dit louping in our the dykes of the Houf, sall pay for the uphald of the said dykes eight shillings unforgiven."

The monastic buildings were extensive, and their ruins continued for long to serve as a quarry to supply stones for public purposes, so that it became necessary to make a breach in the new wall to per-
1568. Sept. 21. mit the material to be carried out. "The Bailies ordain ane horse passage to be made in the Frere Wynd upon the new made dyke, for carrying of stanes and other necessaries to the reparation of the steeple and common werks, and for no other thing."

Queen Mary's charter of 1567 "to provide for the ministers of God's word, and for hospitals," gave the burgh not only all chaplainry and altar rents, but also "the manor-places, orchards, lands, and annual-rents which pertained to the Dominican or Preaching Friars, to the Minorites or Franciscans, and to the Nuns commonly called Gray Sisters;" and under this title these properties have since been held. The Earls of Crawford, however, claimed to have a right to the Gray Friars cornlands and meadows by virtue of a grant made by the Monastery before its dissolution. Much contention followed upon this claim, and the dispute was not settled until 1594, when a compromise was effected, under which the Council paid the then Earl eighteen hundred merks, and he in return granted to the Hospital a disposition of his title and rights.

1559. Aug. 7. Before the Reformation was effected, the Black Friars had rented the greater part of their lands, and the Council, on taking possession, required the tenants to declare the rents for which they were bound. "David Cokburn confessit that he had in occupation ane acre of land of the Black Friars for the whilk he pays twenty shillings; and sielyke, John Sturrock confessit that he had the Black Friars yaird, and three ruid of yairds be-east the wall of the town, and pays therefor twenty-seven shillings." These three roods formed an outlying portion of the grounds separated from the rest by the wall in the line
1560. Nov. 14. of Long Wynd which, though really the boundary of the Monastery, became appropriated as the town wall. Next year the Council offered the lands on lease by roup, "and the bode of Thomas Thomeson, mason, wes mair nor ony others to the common weill," and they let to him "all and haill the Black Friars' yairds, and the crofts and

acres perteining thereto, lying betwix the Nethergait Port and the West Port, for three years," he becoming bound "to pay the common gude yearly the soum of nine merks forty pence." In view of the demolition of the buildings, it was "providit that gif Thomas obtenes ony skaith through down-taking of the Blackfriar stanes, the same, being considerit of be the Council, sall be rebatit and defalkit off his mail."

This Monastery having been of comparatively recent erection, the stones were reckoned to be of considerable value. At first the Council "assignit all the stanes of the Blackfriar's Kirk to the reparation and bigging of the new bulwark" at the harbour. But, on consideration, they resolved to put them up at roup, and, at the time the ground was leased, they "set and disponit to John Fleshour all the stane walls of the Blackfriar Kirk and houses perteining to that Place, with all commodities belanging to the houses and walls, to be transportit be him off the ground with all diligence, and disponit upon at his pleasure. Reserving to the town's use and bigging of the shore, auchteen score pieces of the finest and best ashler in all the Kirk and aisle, to be wylit be craftsmen having judgement, whilk are maist convenient for the shore;" he paying "to the common gude the soum of six score seven merks before Andromes next but langer delay."

The demolition of the buildings was not, however, proceeded with, for some persons—relatives probably of the founder—claimed to have right to the aisle or chapel which formed part of the Church. James Forester came before the Council and "protestit that what were done anent the disposition or selling of the Blackfriar aisle suld nocht prejudge the richteous heir or other persons having interest thereto." It is likely that Fleshour already judged he had offered too much for the stones, and that this protest influenced him in hesitating to demolish the buildings. The Bailies, who had no inclination to preserve objects of antiquarian interest, now lost patience at his inactivity, and, "with avise of the Council, elect and choose all the stanes of the Blackfriar Place to the reparation of the shore and bulwark." This, however, was not yet done, the substantial character of the masonry having probably hindered the operations, and the

1560-1. Mar. 11.

houses continued to stand, an irritating reminiscence of the old faith. After more waiting the Bailies took farther action, and "yet as of before ordainit James Fleshour, factor for John his brother, to tak away the stanes being upon the Blackfriar ground, with certification an he fails, that whaever intromits therewith the township will be skaithless;" and they besides instructed "the treasurer to tak down sae mony stanes of the Blackfriar aisle till the town be satisfeit of their auchteen score." Some of the stones were then taken down and delivered "to the maister of wark to the bigging and reparation of the Castle burn." But a year later the buildings were yet in great part standing undemolished, and the treasurer was again ordered "to tak down sae mony stanes out of the walls as will satisfie the conditions made the time of the disposing of the walls." It does not appear that Fleshour ever completed his bargain, and it is probable that most of the stones were ultimately used for building the harbour.

The boundary of the Monastery along the line of Seres' Wynd was maintained as a part of the town wall. It did not extend north to Argylesgait, but the stones of the cross wall were appropriated for
1564. Apr. 18. an extension. "The officers, at command of the Bailies, past and arrestit the stane wall assignit be the town for bigging of ane wall betwix the Blackfriars and the West Port." The lands continued to be let on lease in separate divisions. In the rental roll of 1581 they are thus described:—First, "The yaird lying on the north side of the Flukergait betwix the town's wall on the west and the land of Petir Cokburn on the east, set for the yearly mail of ten pounds seven shillings eight pence;" second, "The yaird callit the Blackfreiris yaird, set for the mail of seven pounds;" third, "The Blackfreir acre lying without the Nethergait Port on the north side of the common gait, set for the mail of three pounds thirteen shillings six pence;" and fourth, Another portion of "the acre of land lying without the Nethergait Port," set for the mail of six shillings.

The Council having determined on selling the stones of the Gray Sisters' Nunnery and letting its lands on lease, resolved that both should be done by public roup. Some opposition was offered by persons claiming to have a vested interest in the property. Apparently the Sisters before their time of trouble had granted a "wodsett" or

bond over the house and lands, and the holders of this took exception to the proceedings. "Alexr Lowell and George Anderson protestit that what were done anent the setting of the Gray Sisters' lands, and disposition of the stanes thereof, suld nocht prejudge the richt whilk they have thereto;" and Alexr Boyis "protestit that what were done anent the rouping of the Gray Sisters' lands and yairds, suld nocht prejudge his richt nor title whilk he hes thereto." After receiving these protests, the Bailies "set and disponit to John Brown, cordiner, all and sindrie the stanes and the lime being in the walls within the outmaist dykes of the Gray Sisters, to be disponit and transportit be him at his pleasure," for payment "to the common gude of sixteen merks and ten shillings." And thereafter they let to William Brown "all and haill the Gray Sisters' yairds and acre perteining thereto, for the space of three years, with all the pertinents of the same," for the payment "yearly of the soum of forty-eight shillings." It would appear that the security for the bond was still maintained over the lands. 1560. Nov. 17.

The old property of the nuns continued for a considerable time to be separately identified. In 1581 "the Gray Sisters' [outmaist] dykes" were yet standing at the junction of the Hawkhill and the Scouringburn, and are then described as the western boundary of the playfield. Of the money which John Goldman, in 1607, devised for charitable uses, the sum of one hundred and fifty merks was appropriated for the redemption of a wodsett on the Gray Sisters' acre, for behoof of the Hospital. This was not, however, carried into effect, for an arrangement was subsequently made under which George Anderson, a grandson, probably, of the above-named George, and holder of the wodsett, paid other fifty merks to the Hospital, making two hundred in all in name of grassum, and acquired the Gray Sisters' acre in feu ferm.

The timber work of the venerable and beautiful Abbey Church of Lindores was ruthlessly torn down, carried to Dundee, and appropriated for the roof of the new tolbooth—a structure which had for a long time been in process of erection. The old tolbooth, which stood on the north side of the Market Gait at the east end of the house of Our Lady Wark Stair, had been found so inconvenient, and was so

circumscribed in situation that the erection of another in the upper part of St. Clement's churchyard on the site which the present town-house occupies, was begun early in the sixteenth century. This building did not, however, proceed far, for, after the construction of the undervaulting and the walls of seven booths on the ground floor, it came to a stand. We do not know the reason of this, but it is probable that the ecclesiastical authorities had interdicted the building because it was an encroachment upon the ground of the Church. The Council evidently had seen little prospect of completing the structure, and, in 1522, and also in some later years, let several of the unfinished booths "of the new werk of the burgh now bigging on the south side of the Merkat Cross, ay and as lang as there is nae rufe nor thak put on;" binding each tenant "to mak a spout till set the rain by [so] that it do nae skaith to the lave of the werk. And when it sall happen him to flit, it sall be leful till him till tak with him all the timmer and stuff that he happens to lay on the buith."

The old tolbooth was burned, along with all the other public buildings, by the English in 1548, and thereafter an erection of a temporary character was made for the magistrates' court and meetings of Council, above some of the booths which yet remained unfinished and roofless. We know little regarding this councilhouse farther than that it had an open timbered roof, within which, for a warning to lawless persons, the swords of truculent swashbucklers were hung "on iron staples upon ane spar in the west gavel, where the Bailies sit." This curious collection was in great part formed of the confiscated weapons of landward offenders, which, we find, were sometimes "stikkin up in the balks of the tolbuith amangs other tulzears' whingers."

1551. Nov. 3. The understructure of the building, by exposure to the weather, threatened to become ruinous. "Willie Richardson hes tane to prove that the nether volt of the new tolbuith wes carwillit[1] in seven parts within and without." To provide for remedying this, and to assist in completing the fabric, the Bailies renounced some of their perquisites, and made over "to the bigging, beiting, and reparation of the new tolbuith all unlaws belanging to them and to their office." James Scrymgeour claimed to have some right to the upper part of the house

[1] Distorted.

when it should be built; and the Council "grantit him twa burgesships for his renunciation of the over-houses of the new tolbuith, whilk chances herefter to be made." The booths had remained for some time unlet, the tenants having probably been ejected by the chaplain of St. Clement's; but, when the Church was beginning to lose its hold, and its interests were less regarded, the Council again ventured to "set the buiths of the new tolbuith, at this present time void and unprofitable, without thak or reparation, through the whilk the volts thereunder are in danger to be consumit with the rain," for thirteen shillings four pence yearly each during "all the space that ane ruif beis nocht set on the new tolbuith;" and they became bound to warrant and defend the tenants "agains all persons pretending interest, and agains all deidlie as law will; and what repairing, beiting, or theiking they mak it sall be lesom to them to tak away with them when the principal tolbuith gets ane ruif." 1558. Nov. 7.

It was not until the Reformation had quite dispossessed the Church dignitaries that measures were taken for completing the building. A meeting of the Council, Deacons, and Community, "warnit be the hand bell, all in ane voice consentit that the soum of six hundred merks be uptane frae ony person that will give the same, for reparation and bigging of the new tolbuith, and the flesh-house at the Castle burn head." For the latter building it was resolved to use "the stanes of the Grayfriars," and, no doubt, the upper part of the tolbooth was built from the same quarry. The six hundred merks were advanced by "James Anderson in the Ferry," for which he "wes infeft in ane annual rent of thirty pounds furth of the common fishings;" and this was done the more readily because "he lent to the town ane other hundred merks, without ony profit, for the space of ane year." 1560. Oct. 14.

There are various unconfirmed traditions regarding what became of the timber work of Lindores Abbey, and the time of its removal is reckoned altogether uncertain. Even that painstaking antiquary, Dr Alexander Laing, in his elaborate and most interesting book, "Lindores Abbey," can tell us little more about the destruction of the buildings than that "the work of spoliation has gone on so gradually, that it has generally escaped observation and record."[1] I am now,

[1] Lindores Abbey, 136.

however, able to show from the Dundee Burgh Court records what time the roof of the venerable pile was demolished, and to what purpose its timber-work was applied. On the day that it was resolved to borrow the money for completing the tolbooth, "the Provost, haill Bailies, and Council conveinit in the Provost's ludging, agreeit with George Blak, wricht, in manner following:—That is to say, the said George Blak hes oblist himself to furnish, free of all expense unto the theiking with sklaits, ane ruif of timmer, with the close sarking of deal, irne werk, and all other necessaries belanging thereto to be furnishit be George unto the new tolbuith incontinent with all possible diligence, and that of the best timmer choice and waill that [he] gets of the Abasie of Lendores; of the whilk there sall be fifty couples furnishit be him of the timmer foresaid, with double baulks and angular; and also [he] sall furnish to the new tolbuith aucht grite perpen geists,[1] to be imput be him in the walls at the time foresaid free of all expense. For the whilk causes the Provost, Bailies, and Council bind and obliss them to content and pay to George the soum of twa hundred merks—ane half in hand, and the other at the completing of the werk—togidder with ane burgess-ship and guildery. And George Lowell is become cautioner for fulfilling of the werk."

George Blak and his men had thereafter proceeded to Lindores, unroofed the Abbey, and carried off its choicest timber, which they would ship at Newburgh and bring to the pier of Dundee. They had carried off more material than was required; for, in 1562, after the tolbooth was completed, a quantity was left over, and the treasurer received instructions "to tak the readiest timmer in the new tolbuith and put the same in wark to the outred of the flesh-house"—at that time ready for its roof.

There is something sorrowful and saddening in the pitiless spoliation of this stately building by the municipal rulers of Dundee. The Reformation had rudely overset the associations which united the old Church and the people; religious houses no longer claimed reverence, and the ruining of them had ceased to be reckoned sacrilege; but this destruction of the venerable Abbey which had

[1] Main Beams.

been in effect the foster-mother of St. Mary's Church and the founder of the burghal school, which for centuries had placed the vicars and the schoolmasters into their offices, and had always been ready to give the commonweal bountiful help in times of trouble and kindly guidance in seasons of perplexity, was an unkind and unfilial act—a wanton and unnatural desecration—for which no righteous prejudice against churchmen, no defensible antagonism of creed, or honest hatred of ritual could be urged in justification. The general destruction of the great religious houses at this time was a lamentable result of the contest which, perhaps, can hardly cause surprise; for churchmen when in power had been very tyrannous and overbearing to their opponents, and in the excitement of national triumph the bitterness which the contest engendered was not restrained either by reason or moderation. We may well, however, regret that the burghers of Dundee should have had any part in this, and that the ruined Abbey which now stands, solitarily yet grand, on the banks of the Tay, should owe any of its defacements to their unnatural and ruthless hands.

OLD DUNDEE,

PRIOR TO THE REFORMATION.

II.

BURGHAL AND SOCIAL LIFE.

In building walles, they barbarous rites disdain'd,
The sweetnesse of society to finde,
And to attayne what unity maintain'd,
As peace, religion, and a vertuous minde;
That so they might have restlesse humours rayn'd,
They straight with lawes their liberty confin'd;
And of the better sort the best preferr'd
To chastise them against the lawes that err'd.

EARL OF STIRLING.

Behald . . . . . .
Of the citie the greit prosperite,
The mony werkmen and their craftis sle.

GAWIN DOUGLAS.

Blest he who dwells secure
Where man, by nature fierce, has laid aside
His fierceness, having learnt, though slow to learn,
The manners and the arts of civil life.

WILLIAM COWPER.

CHAPTER I.

THE OLD BURGH.

Its situation and surroundings—Division into wards—Population—Its streets and houses—Obstructions to traffic—Cleansing and drainage—The supply of water—The burn maintained in purity—Herb and flower gardens—Cornfields—The junction of rural and urban life—Domestic animals.

In the early part of the sixteenth century Dundee occupied only the lowest lying portion of its present site; its boundaries being Seres' Wynd, the Corbie Hill, the Gray Friars' Yards, the Meadows, the Cowgait Yards, Our Lady Wynd, and the River. It had not yet any regular surrounding wall, the only defensive enclosures being the boundaries of tenement yards, and the ports or gates upon the streets that led to landward. Some particulars regarding its extent are given at the time it was divided into quarters or Wards—each of which was placed under the special jurisdiction of one of the Bailies to assist in the maintenance of good order. The Council "dividit the burgh into four quarters, be letters A, B, C, and D; of the whilk letters Robert Kyd hes gotten A, whilk is the quarter frae the skemmels[1] to Silvester Ramsay's in Argylesgait; Alexr Paterson, B, for the second quarter frae Silvester Ramsay's to James Hay's in the Mercat Gait; George Lovell, C, for the quarter betwix James Hay's and the Murraygait Port; and William Carmichell, D, for the Wellgait, Cowgait, and Segait, and langs the Shore to William Kinloch's house;[2] to the effect that every Bailie puind his awn quarter under the pain of payment [out] of his awn purse." This was to insure the realisation of all fines which had been imposed.

1553. July 2.

[1] The shambles then stood outside the West Port.

[2] This was on the north of where the Trinity House lately stood.

The population of Dundee before the time of the English invasion probably did not exceed 9,000.[1]

The old burgh was pleasantly situated upon the gentle acclivity which rises up from the river bank to a ridge, formed by a succession of eminences, which divides the foreground from the little inner valley where the Castle burn used to flow on the near side of the slopes that swell up to the base of The Law. The streets, with some exceptions, were crooked, narrow, and of irregular width; and, being usually calsayed or paved with the water-worn cobble stones which were found plentifully on the Stannergait and elsewhere along the river bank, they presented a very rough although durable surface. The houses had none of the uniformity which characterises modern street architecture, but were diverse in form and elevation; some having the central portion raised higher than the rest, and windows irregularly disposed; others with curious crow-stepped gables standing outward to the street. The entrance to some of them was by hanging stairs and galleries, to others by sculptured door-ways leading to massive turnpikes surmounted by chambers having high pitched roofs. Many of the houses had wooden fronts supported at the ground floor upon pillars, within which were open piazzas, sometimes used as the workshops of craftsmen, and often as the booths of merchants. As yet there were few lucken or locken, that is closed up booths; the goods being usually displayed upon benches within the open front, and sometimes on permanent stone erections upon the street. We find in a dispute which arose regarding the removal

[1] We have no satisfactory data from which to estimate the population of the town in early times. Of the various general taxations laid upon the Scottish burghs from the beginning of the sixteenth century to the time of the Civil War, Dundee was called on to contribute a nearly uniform proportion; and we may fairly conclude that during that period there had been little change on its population. From the number of soldiers which each of the principal burghs was required to furnish in 1645, Robert Chambers reckons that the population of Dundee would then be 11,160, which is, no doubt, an over-estimate. From the number of marriages registered in the town for five years preceding the siege by Monk, compared with those for a similar period preceding each of the first three census returns, Dr. Small estimates that in 1651, the population had been 8,047; and from the baptisms registered during the same periods, 12,597, being an average of 10,322. He, however, believes that the number of baptisms does not afford reliable data. The earliest enumeration made—that of 1766—gives a population of 12,426.

of one of these as an obstruction, some particulars concerning their use, and see the respect which was shown for the vested rights of an individual even although they were the occasion of public inconvenience. "Alexr Kyd had a heich buith and John Gardine had a laich buith in ane fore land lying upon the north side of the Hie Mercat Gait." In the front of the entrance to Alexander's booth there used to stand "a stane bink" which was employed "for outsetting of stands affore the buith." This having been removed, Alexander accused his neighbour, John Gardine, "for the wrangous away-taking of the bink—and that sen the burning of the burgh be the auld enemies of England—and in stopping and impedimenting of the stand," as if "intending to hald down the bink and to spulze him of his possession thereof." Thereupon the Bailies, after hearing parties "and the depositions of diverse famous witnesses, find that the bink wes affore the burning of the burgh of twa stanes, the ane of thicker and less quantitie than the other;" and that Alexander and his predecessors "war in continual possession thereof past memorie of man, and also in possession of the setting of ane stand before the buith;" so they give authority to him "to re-edifie and big again the bink." But the destruction of it not having been proved against John, "they assoilize him frae the wrang thereof." New encroachments were sometimes permitted. A baxter was allowed to build his oven under the street on condition that he restored the roadway properly. "The Council hes grantit licence to Dunkan Kyneir to tak up the calsay before his land, to the effect that he may big ane pend fornay[1] foranent his bakehouse; providit that he big the calsay complete again, naither heicher nor laicher nor waur not it wes." 1556-7. Jan. 29.

Although such privileges were sometimes granted, any improper interference with public streets was carefully guarded against. As we have noticed, the Wedderburns for a considerable time held possession of St. Michael's land at the West Kirk Stile, which is now School Wynd. "The land wes brunt and destroyit be our auld enemies," and, when restoring it, the owners appropriated the Stile, which was one of the accesses to the churchyard. David Wedderburn, tutor to the heir, having been "personally apprehendit within the bar," was charged 1556. Dec. 18.

[1] An arched furnace.

with this, and subsequently the treasurer produced "an old indentit evident sealit with the town's seal," which bound the proprietors of the land "till uphald ane sufficient Kirk Stile at the north-west toward Argylegait.....Efter lang reasons allegit and pronouncit be David contrair the evident, the Council decernit him, as tutor [to Robene], to prepare and mak ane Kirk Stile efter the tenor of the evident." In 1634 a similar unsuccessful attempt was made by the then owner of the land to appropriate the Stile.

The rights of the owners of property were protected from the encroachment of neighbours. "The Council past upon the ground whair James Feriar wes bigging, to vesie the windows biggit by him in the west wall complainit upon be Andro Jak, and with ane voice think ane biggit by[1] the order of neighbourheid, and nocht to be tholit but licence." On a similar occasion, "The Council ordain the officers to pass and tak down the hinging stair biggit be John Jameson in Sanct Salvator's Close foranent the land of James Donaldson, whilk is fund wrangouslie biggit be John; he [having been] inhibit diverse times to big the same and disobeyit."

At an early time some arrangements were made for the cleansing of the streets, and an impost was exacted from the inhabitants to defray the cost. The sum thus raised had not, however, been all required, and a profit was made out of it. When the founder of the Blackfriars' monastery was kirkmaster, he obtained a temporary grant of this little
1522. Nov. 10. speculation by the goodwill of the Council. "The setting of the customs of the dichting of the gait is referrit to Andro Abircrumby, kirkmaister, for thir twa years next to come. And frae thinefurth they sall nocht be set but be the Council, and that to them that will give maist for them. And this is the haill deliverance of Provost, Bailies, and Council." Some rubbish having been left lying upon the street, "Will Henrison is adjudgit to tak away the stanes and the red before Jonet Galloway's yett betwix this and Androismes day, under the pain of eight shillings; because he has tane a part, and took to tak
1552. Ap. 7. the lave away for the stanes." We find that there were some malodorous accumulations in the very centre of the burgh. "The Council hes commandit that all muck middens upon the Hiegait

[1] Contrary to.

be had away betwix this and Pasche even, under the pain of twenty shillings; and that neighbours whilk complain on the red lying upon the Hiegait, produce proofs wha laid out the red that they may be compellit to tak away the samin." And farther, "that nae neighbours dicht[1] their malt upon the Hiegait, under the pain of eight shillings for ane unlaw to the Bailies."

There were then no public drains, and little encouragement was given for the leading of private ones into the streets. "The assize has fundin that the letters that Hector Michelson has producit anent the making ane conduit through the burgh's calsay till ease his lands, is nae licence; and find that he has wrangit in the breking of the calsay; and has ordainit that he fill up the conduit and mak it sufficient as it was of before." At a subsequent time "by command of the Bailies [five persons] past to Seres' Wynd, and veseit whair Marion Aire hes broken the Queen's Grace's calsay diverse [places], and made ane vent to ane closet to pass that way. Whilk persons find Marion to have done wrang in putting the conduit of the closet in sic ane place. And the Bailies ordain her to remove the samin incontinent, whilk gif she does nocht do, the treasurer to cause big the calsay close and fast again on her expenses." 1521. July 11.

Old Dundee was abundantly provided with excellent water from famous perennial springs. St. Clement's well was upon the river bank, beside the old Church; the source of St. Francis' well, otherwise "callit The Friar well, whilk servit the haill town with gude and wholsome water," was in the slopes of the Grayfriar's meadow above the burn; and the water of The Lady well, which, early in the last century, was carried in pipes for the general supply of the burgh, flowed copiously out of the rock near to the Chapel of Our Lady. Besides these wells, there was the supply from the Wallace burn, which joined the river at the east end of the town, and from the Scouring or Castle burn, which flowed along by the northern boundary and, at the Burnhead, drove the wheel of the Castle mills—both streams being fed by affluent springs that came out of the heights along their courses. Especial care was taken to preserve the purity of the latter. "Will Wilson, with his awn grant, is [bound] that an he 1521.

[1] Winnow.

or ony of his servants cast wad paist[1] in the burn or dam to pay forty shillings to our Lady werk." Again, "whair that John Bennatt's servants has washen bonnets in the burn, the Bailies [resolve] to seek their acts [regarding this offence], and put them to execution." At a later time, "The Bailies decern Robert Bartie to pay to the common werks the soum of eight shillings, and that because his servant wes convict for washing of pensches in the Castle burn."

In the old burgh the buildings were not crowded together as they are now. Along the river frontage and on outlying slopes they had much open ground about them; and, although the lines of the principal streets were fully built, in the spaces between and outside of them there were only a few houses belonging to substantial burgesses. The enclosed grounds called the "head rooms" of the front buildings, were usually laid out as gardens, where bees were often kept, and where herbs and flowers were cultivated for their owners' use and delectation; so that we can fancy the burgher of those days refreshing himself in his own house as the modern one can hardly do, by "Tasting of Flora and the country green." Some of these gardens were rented to tenants. James Cunningham testified that "Mechell Anderson took his head yaird in the Wynd for this year bygane for fourteen shillings of mail;" and, although Mechell alleged that he gave up the tenancy at the term, James claimed that he was still in possession, and the Bailies "adjudgit him to be tenant for this year also," because "he gave nocht the key and the mail thereof at Witsunday last to James." There were large gardens at the Cowgait and on both sides of the Wellgait. William Leslie alias Tailzour is entered "tenant to David Wedderburn in the Wellgait for ten merks be the year, and that for David's haill yaird outwith his west arbeir[2] dyke, and three roods of yaird upon the east side of the Wellgait upon the south side of the yaird outwith the hedge."

It has been alleged, perhaps with truth, that our rude forefathers at the time of which we write had not learned to appreciate the many charms of their own land—the solemn grandeur that pervades its hills and valleys, and the picturesque beauty that lies around its woods and waters—but certainly they already took

[1] Noxious refuse from dye-stuff. [2] Or herbere, an herb garden.

much pleasure in those trim gardens which their poets have pictured to us in sweet verse. Dunbar vividly describes—

> "This garth most dulce and redolent
> Of herb, and flower, and tender plantis sweet,
> And green leaves doing of dew down fleet."

While Lindsay tells us in equally graphic words, how—

> "That glorious garth of every flower did flete,
> The lustie lillies, the roses redolent."

And we cannot doubt that the inhabitants of the old burgh loved and enjoyed their gardens, and cultivated them with care. The magistrates were ready to protect, in reason, their flowers and herbs from injury. "John Cathro is amerciate for the wrangous taking of five lilies out of John Gagy's harth[1] at his awn hand, and is ordainit to put in five fresh lilies again, and doom given." Rob Finloson alleged that John Cowpar, one of his neighbours, "has wrangit him in the skaith done to his kale in his [John's] tree having away through his kale, and destroying of them;" and the Bailies, although they found the claim "of nane avail because the tree was heavy on the side lying or[2] John intromittit with it; nochtwithstanding ordain him to mend the skaith at the sicht of four persons." But when, as we have noticed, "Alexr. Paterson complainit that certain Frenchmen had clum our his yaird dykes, and tane away his kale," and, being "chargit be the officer to compear before the Bailies," had "made menacing, drawing their rapiers, and offering battle," the Bailies hesitated in dealing with this raid of their allies, and prudently "continuit the matter till the Provost's hame-coming." 1551-2. Feb. 4.

Some huckster wives, who had made a bad speculation in the purchase of growing herbs, are "adjudgit to tak up before April the four dozen beds of leeks frae Robert Lowson of his yaird, and he sall defalk them eight shillings out of the forty-eight shillings that they bocht them for." But Mallon Elais obtained no deduction on her lot, and "is adjudgit to tak up the lave of her twenty-one beds of onions frae John Anderson that she bocht, and pay eight shillings eight 1522.

[1] Or garth, a garden. [2] Before.

pence that rests unpayit." Another had got a loan of her seed. "Alis Strathachine grantit that sho borrowit frae Rob Thomson four pund of bow kale seed gude and sufficient, and is decernit to deliver as gude seed therefor."

No doubt at this time there were cornfields within the bounds of the burgh as well as outside, which were cultivated by the inhabitants. In 1559, when the grain was ripe, in order to afford facility to the reapers, the Council agreed "to give licence to the neighbours of the Nethergait to mak open the Nethergait Port during the time of this hervest; and mak sure the keeping of the same." It had been to glean in a near field that "Mege Paterson sent her maiden with ane blanket to gadder corn, and the maiden was tane robbing John Small's corn, and her blanket wes tane therefor;" and the "twa acres of bear whilk Duncan Kynair hes shorn, led, and threshen," and refuses to pay twenty pounds of rent for, because there were not "seventeen bolls upon the twa acres," which his landlord "upheld to him that he suld have," had, no doubt, been grown within the jurisdiction of the Bailies.

Old Dundee occupied such an extent of space in proportion to its population, that much open ground would be left for the gardens and great trees that well served to beautify and deversify the lines of houses along the sunny riverside slopes; and from the burns which—each in its own little wooded valley—almost environed it, there would come that feeling of freshness which always accompanies the movement of living water; so that the place, in spite of many disadvantages, must have had a brighter and more wholesome aspect than the crowded modern city with its many improvements can present. Its inhabitants, while they had the advantage of being in the society of neighbours, were thus able to enjoy some of the amenities and charms which pertain to rural life; although these were not unmixed with what would be less pleasing. As when, for instance, the pigs which, with other domestic animals, were reared in considerable numbers, especially in the head-rooms between the Flucargate and Argylegait, trespassed upon the streets and elsewhere. These raids were made the subject of many prohibitory ordinances.

"It is ordainit that an ony neighbour betwix Alexr. Ogilby's dyke and the West Seres' Wynd, be fundin [to have suffered] swine to come through there and do skaith to neighbours, that person sall pay all the skaith of the swine that happens to be slain, and James Chepman's wife's swine that is now slain." Killing a trespasser in the act was justifiable. "John Quhyte, potter, is absolvit frae the claim of John Flemyng anent his swine slaying, because it is fund that swine are unlawful guids, and it was oft-times fund in John Quhyte's corn of before." But slaying an animal unless in an act of trespass was illegal. Anne Scot, having been accused of killing a swine, belonging Andro Rannald, she "grantit the slauchter of ane gryss,[1] whilk Andro allegit to be ane baer."[2] The uncertainty of the gender was not, however, reckoned to be of consequence. Anne was found in the wrong "and the avail of the said gryss or baer is referrit to Andro's proof." An offender might be confiscated for the damage it had done. A fuller having spread out a piece of black cloth to dry, it was afterwards found to have been riven; and "it is clearly proven that Thomas Sincler's swine did the skaith to the claith. Whilk matter the Bailies continuit to the sicht of four men;" and thereafter "decernit Thomas to deliver to the walker his swine whilk rave the claith, or else pay the skaith of twa ells." 1521. Oct. 15.

Numbers of cows were owned by persons within the burgh. William Wilson, cordiner, having unfortunately bought one from John Watson in Newtyle, "he allegit that the cow was sick and deit her alane on the next day, and never eat nor drank efter he receivit her." But "John hes tane to prove that Willie or his wife sent the cow to Baldragon with their servant, where able[3] the cow wes infekit." The Bailies, however, found Watson to be liable, and adjudged him to repay the "thirty-four shillings whilk he receivit for ane sick cow, and his gear to be puindit therefor whair it can be apprehendit"—a decision which shows that the power which the law has only recently given to burgh magistrates to punish persons selling diseased cattle in landward places for the use of towns, had been exercised in Dundee at an early time. In another complaint "Andro Guld hes tane to prove that the cow whilk he sauld was ane sufficient milk cow when he 1550. Nov. 4.

[1] A sow. [2] A boar. [3] Or aiblins, perhaps.

deliverit her," and "that the cow gave ane chopin of milk every mailteit."[1]

Here is a cow which had been unjustly slandered. Thom Galloway, baxter, got a loan of Sande Piggott's brewing caldron, and, when he returned it, the vessel was found to be damaged. He then alleged "that ane wode[2] cow come in his brewhouse and hurt and mischievit Sande's caldron." Whereupon the owner of the cow "hes tane to prove that the caldron in Thom's house wes haill and feir[3] when his cow cam furth of the house," and this having been made clear, "Thom is adjudgit to mak the caldron sufficient as sho wes when he receivit the samin."

1520-2. All journeys of any distance were then made upon horseback, and, as we might expect, there are a number of entries regarding the hiring of horses. James Quhitson having obtained one from Andro Lowson, it died in his hands, and, "being challengit, he grantit that he intromittit with the horse, but that he offerit the hide to Andro when the horse deit." This was not, however, reckoned sufficient, and he was decerned to pay him ten shillings additional. In another instance the hirer was found blameless. "Anent the pursuit of ane mare set on hire to Sanders Cathro be James Walcar, dead be the gait with Sanders," an assize, after hearing "diverse famous witnesses, finds and delivers Sanders quit and clare of the mare, and sho nocht dead in his default." Similarly when John Just's wife "pursuit Thomy, that was hirit to John, for the slaying of a horse, and the action was referrit to Thomy's aith, he clengit him of all hurt made be him to the horse, and is made quit thereof."

Sometimes a horse lent on hire was not returned. "Anent the claim of a black horse, be John Sharp set in hire to John Blaik twa years sensyne, the whilk he deliverit him nocht again, as is allegit," the Bailies, very leniently, "adjudgit John Blaik to pay John Sharp ten shillings for the horse." John Webster did not, apparently, get off so easily, for when he "confessit the hiring of Andro Duncan's mare ilk sixteen days for twelve shillings six pence," and that he had it for six weeks, Andro "protestit for costs,

[1] Milking. [2] Mad. [3] Whole and sound.

skaith, and damages for wanting of his mare," and probably got them. John Leech made an exchange in which he considered himself to have been over-reached; and "he took to prove that James Page upheld his mare faultless which he neifarit with John's horse."

We find that very few instances of horse stealing are recorded. Although Patre Montago was charged with theft, his offence may fairly be explained away as simple appropriation. Having been accused "in judgement, he grantit that he fand Thom Scott the miller's twa horse ganging straying langs the gait, and hes them yet in his possession ready to deliver to them that hes richt to them." Mechell Anderson had been very careless about his steed when it was carried off, for he neither locked the stable before nor after. In court "he confessit that he put in his horse in Arche Rattray's stable in the Quhortur Raw,[1] on Sunday betwixt seven and aucht hours, at his awn hand; and fand the stable door open and left it open, and requirit nae man to keep his horse nor to lock the door." But even a locked door was sometimes no protection. "The officers verifeit that they had arrestit ane horse perteining to Thomas Coriar, being in ane stable within this burgh, at the instance of James Scrymgeour of Balbuchlie, and had tane with them the keys of the stable, whilk they have presentit this day in judgement; and that Thomas had wrangouslie and maisterfullie broken the door and tane his horse furth of the stable, and so had broken the arrestment. Whereupon James Scrymgeour askit acts." 1558-9. Feb. 14.

In those unquiet times horses were sometimes seized for public use; and for this the owner would be without remedy. "John Gilbert renouncit all action whilk he hes agains Robert Gardine for the allegit spoliation frae him of twa horse at the Queen's service. Whairupon Robert askit acts of court." 1560. Sept. 11.

[1] Or Thorter Row.

CHAPTER II.

BURGHAL GOVERNMENT AND ADMINISTRATION OF JUSTICE.

The privileges of burgesses—The Town Council—The commons or crafts—Disputes with the Scrymgeours regarding their Constable rights—The Burgh Court—Honour shown to magistrates—Juries—Arbitration—Hector Boece acting as a "forespeaker" in the Court—His connection with Dundee—His position as a historian—Appeals from the Burgh Court to spiritual courts—Cursing and its corporeal effect—Jurisdiction of the magistrates beyond the burgh—The courts of barons.

The burgh as it existed in ancient times has left to us no records, and we know almost nothing of the condition of its people or of their system of municipal rule. Society was then formed of the rudest elements, among which the strongest would govern the others, and justice would be administered after a rough, although natural fashion. By the earliest records which have been preserved we, however, find that a system of civilised burghal rule had for long been established, and that this was supported, and the salutary authority of the city fathers strengthened by the ready recognition and assent of all good citizens. The privileges of burgesses or freemen formed the basis upon which the commonwealth of the burgh was established. Burgesses were of two degrees, the lower being the commons or crafts under Deacons, and the higher, those having lands and merchant-venturers, who became associated as the Guildry under the government of a Dean. Inhabitants who had not been admitted to freedom were restricted in the beneficial occupation of the burgh. As craftsmen they could only do the work of servants to free masters, and as merchants they could not trade for profit within its bounds.

The Council which ruled the burgh was in the strictest sense an oligarchal body; its members being almost all of the higher rank of burgesses, and usually belonging to families who, by virtual prescriptive usage, had been in the practice of taking part in the government.

It consisted of twenty-one persons, eighteen of them being either of the merchant estate or landed men, while three were craftsmen—one being the Collector, who represented the Deacons, and was a councillor *ex-officio*. Before the annual election at Michaelmas the members nominated a leet of two persons for each of sixteen vacancies (the others being filled by the retiring magistrates) and from these leets, at a later meeting, they—along with the Deacons of crafts, who were associated with them in the election—chose the new Council. Although the governing body was thus mainly composed of merchant-venturers and those of higher degree, who would naturally rule under the influence of their peculiar interests, the crafts or commons formed a recognised democratic element which restrained the action of the majority, and helped to maintain the Council in sympathy with the people. The nine Deacons, by immemorial usage, not only voted on the leets for the election of Provost, Bailies, Councillors, and Treasurer, but also on other burghal appointments such as the Parish clerk; and when the Reformation had come, on those of Minister, Reader, Precentor, and Schoolmaster. Their concurrence was required in the imposition of all taxes, in the decision of questions affecting the common good, and in the purchase or sale of common lands. They were able to offer a strong and often successful opposition to changes which seemed to be inimical to the interests of the commons; and claimed and maintained on their behalf a right to share in the beneficial speculations which merchants sometimes obtained. When the Reformation had unsettled the tenure of all church lands, and covetous and strong hands were ready to grasp at them, the Deacons, as we have seen, protested "that nae common places be disponit to ony person privatly, but at public roup, as use is, for the common weal;" and the Council, recognising the reasonableness of their protest, called them to witness and assist at such sales. As time went on craftsmen became of greater importance in the commonwealth, and we find them laying claim to higher privileges. In 1563, when the Council named two members to Parliament, they contended with great pertinacity and almost with success, that one of these should be appointed by the commons as their representative; and, in the beginning of the seventeenth century, they claimed that more of their

number should be upon the Town Council, and insisted on their claim with such vigour that they obtained an admission of their right to place another there.

The regular government of the burgh by its constitutional Council was, from an early time, subjected to the occasional interference of the Scrymgeours, who held hereditarily from the days of William Wallace, the office of Constable of the castle and the town; and this, as it gave them only undefined privileges and unacknowledged jurisdiction, was the source of much ill-feeling and contention. The Scrymgeours held extensive lands—in especial the barony of Dudhope near Dundee—which enabled them to maintain a position of acknowledged influence as neighbours; but the claim, which they repeatedly advanced, of having in virtue of their office the right to exercise authority within the burgh, the burgesses refused to recognise and frequently withstood. There was not a constant variance, for many of the barons held friendly relations with the inhabitants, and some of them were elected to the office of Provost, in which they did good service for the common weal; but others were haughty and overbearing, and insisted offensively upon their burghal jurisdiction, even almost to the length of claiming that the Constable's office gave them right to occupy the Provost's place; and these proved to be but evil neighbours. This contention was for long a cause of trouble, but a compromise was made in 1384, which temporarily stayed the discord, by restricting the Constable's jurisdiction to the week of Our Lady Fair, limiting his magisterial authority to sitting in judgment upon offenders along with the Bailies, and providing that he should have no part of the fines. To give effect to this, an indenture was made between the Council and James Scrymgeour, by which he agreed, on receiving payment of forty pounds, to renounce his Constable right of "punishing of the blude touching the burgesses or stallangers[1] and their servants in taking of places at the Fair, [and] trial of elwands, wechts, and balandis[2]..... except only gif it happens" that any one "be arrestit be the Constable or his depute," in which case "the Bailies sall sit upon the Castle Hill with the Constable," and "do to the complainers that [which] richt and order of reason require.' And if the accused

[1] Persons having stalls or booths. [2] Balances.

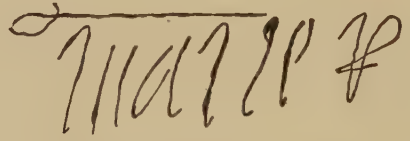
be convicted, "the merciament sall be twenty merks to the Bailies, na pairt of it remaining to the Constable."[1]

Notwithstanding this agreement, we find that after the lapse of many years the Constable was in use to claim the amerciaments for offences committed during the time of his jurisdiction. At the Fair in 1520, Thomas Bruson and James, his cousin, being at the port with the ship Gabriell of Perth, they committed an assault upon John Flat. For this "James tholit law in the Constables's court and put him in will therefor," but "Thomas was fugitive frae the law for his part of blude-drawing of John, and the unlaw and duties of the Constable—that is five pounds"—and "the ship was arrestit for his gear being therein." The vessel lay at the harbour under arrest for nine months, and thereafter "on this day— ane of the awners being in judgment"—the Bailies, who were then on good terms with the Constable, "offerit to lowse the arrestment, he finding surety to the Constable's Bailie and to [themselves] to do anent the action that he suld do of law." It is a proof of the friendly relationship which at this time subsisted between the burgh and James Scrymgeour, that at the following Michaelmas he was elected Provost. 1521. June 2.

The rights of the Constable were authoritatively defined in a decision given by the Queen Regent, in September 1556, upon a dispute which took place the previous month. In the time of the Fair John Williamesoun in Baireddy, "for troublance of the town be hurting and wounding of Thomas Robertsoun, was apprehendit be the Bailies and officers and put in the stocks, as sure firmance, within the tolbuith. Upon the morn therefter.....John Scrymgeour, the Constable," alleging "that the Provost and Bailies intendit to have sittin upon the blude foresaid, and usit jurisdiction upon John contrair to the Constable's privilege and richt.....at his awn hand without warnsicioun [or] warrandice of the Bailies or ony other that power had, brak the lock of the stocks, and took John away with him to [his] Place of Dudhope." The Council complained to the Regent (then at Aberdeen) regarding the Constable's outrage, and prayed that he be required to deliver the prisoner to them "within certain space, under the pain of rebellion." The supplication was supported

[1] Appendix E.

by "the Provost and George Wischert, ane of the Bailies, being personally present—John Scrymgeour with his forespeaker also personally compearing"—and the "allegations being weill heard and considerit, togidder with the depositions.....anent the manner of the awa-taking of John, the Queen's Grace, be avice and counselling" of her Lords, "ordains the Constable, with all possible diligence, to deliver again John Williamesoun to the Provost and Bailies to be put within the stocks in firmance whar he wes taken frae;" and thereafter "to desire the Provost and Bailies to deliver John to him to be punishit be him, conform to his demerits and the Constable's jurisdiction;" and this "requisition being made, the Queen's Grace ordains the Provost and Bailies without delay to deliver John to the Constable to be punishit be him," he having "ane of the Bailies sitting in judgement togidder [with him] to see justice ministrat and try the offence, because it wes committit on inhabitants and strangers also." And "gif the crime committit be John be of sic quality that the Constable, in default of jurisdiction, may nocht punish the same according to rigour, the Queen ordains him to deliver John unto her Grace's Justice to be punishit duly for his offence."[1]



AUTOGRAPH OF MARY OF LORRAINE.

The Burgh Court, which consisted of the Provost and the four Bailies, met in the councilhouse as often as occasion required. Several of the Councillors usually attended, not, however, as judges, but to do honour to the Magistrates' office, and to offer them counsel if such should be desired. The matters which came before the Court were both civil and criminal, the former being chiefly disputes concerning properties, usages, and privileges; and the latter mainly

[1] MS. in burgh archives, Appendix C.

charges of "troublance," whether committed by sharp tongues or otherwise, of "blude wite" or blame for the effusion of blood, and of "pickery" or theft—a rare offence that was punished with much severity.

At Head Courts, which were usually held twice a year, all the Councillors were called to assist the deliberations of the Magistrates. The business transacted at them was the confirmation of "all lowable acts" already made, and the enactment of such others as were judged to be for the general good of the common weal. Besides sitting as judges in civil and criminal matters, and taking their share in ordinary municipal work, we find that the Magistrates by themselves often performed duties which strictly belonged to the whole Council, as if they held the acknowledged position of what is now designated "a standing Committee with powers."

Although they appear to have usually considered the cases which came before them, even of a trifling nature, with much patient deliberation, we find them on one occasion losing their temper over the many petty actions which were brought by maltmen and browsters, and "inhibiting them to produce ony bills of claim upon malt silver or draff in judgment, certifying them that they will be nae farther impestit with sic cummers in time to come; therefore ilk maltman [should] advise when he sells, and who to, as he will be servit."

1558. Oct. 17. The Magistrates' office was not discharged altogether gratuitously. At one time they were exempted from the payment of taxes. "The Bailies, with avise of the Council and Deacons present, all in ane voice discharge the Bailies of their parts of all manner of taxations and stents that sall happen to be laid upon this burgh, except that they sall be halden to pay their parts of all stents that beis made for composition to hald the inhabitants [relieved from] passing out on raids, they being chargit thereto be the Queen's Grace's letters." By virtue of their office, they had a right to certain perquisites. Thus they got a share of the unlaws or fines imposed upon those troubling the peace of the town, and they were entitled to a creelful of coal out of every cargo arriving from Fife. While the new tolbooth was being erected they liberally assigned the former "to the bigging, beiting, and reparation of it;" and, during the time of the Civil War, they mortified the

latter, along with the "land gang" or plank dues,[1] to which they also had right, for upholding the fabric of the Church.

All persons coming before the Court were required to show a deferential bearing, and to give the Bailies becoming honour.

1550-1. Mar. 13. "Andro Kynneris is adjudgit to pay to Our Lady licht twa pund of wax for the stroublance and inquieting of the Court;" and later "David Mortymar is amerciate in forty shillings and twa pund of wax to Our Lady for the wrangous stroublance of this Court in presence of Provost, Bailies, and Council, and to find surety or he depart, of this fence for the samin, and to ask forgiveness of our maister the Provost." While David Spankey—who had, however, lost his cause and his temper—for saying "in presence of the Bailies that there wes

1553-4. Jan. 8. nae justice done in the tolbuith," is "amerciate in ten shillings to the almshouse, and ordanit to ask the Bailie's forgiveness."

It was found necessary to punish with increased severity those who ventured to contemn the Magistrate's office. The Head Court "ordanit that gif ony person beis fundin disobeying or mispersoning ony officer bearing ony office, he sall pay to Our Lady Kirk five pounds of money, and his readiest guids to be poindit therefor. And the person convictit sall come to the Hie altar, and offer ane pund of wax in ane candle, and, gif he disobeys, to tyne his freedom. And gif he hes nocht guids nor gear strenzeable, in that case he sall lie forty-aucht hours in the stocks, and upon the next Sunday sall pass about the Kirk effore the procession in linen claes, and ane wax candle of twa pund in his hand; and, gif he disobeys in the premises, to be banishit the town for year and day." Not long after this enactment was made, "Robert Peblis distrublit the Court, and said contumelious and defaming words openly to the Bailies and clerk sitting in judgment, alleging that they had made private and false acts in the action dependant betwix him and James Dik. For thir injuries" he was "solemnly accusit, convictit," and fined five pounds, and ordained "to come to the Hie altar the next Sunday with ane candle of ane pund wecht, and

[1] I think that the exaction which is yet made upon the importers of victual at the harbour under the name of "plack dues," had been originally a payment for the use of the land gang or plank over which the grain was carried, and that plack is probably on erroneous transcription of plank.

there, in time of the hie mess, openly ask the Bailies and clerk forgiveness, and offer the candle. And, failing in ony of thir points, to tyne his freedom."

When deliberating upon an important dispute, or a serious charge against an individual, it was usual for the Magistrates to make frequent adjournments in order to prevent over-hasty decisions; and they often, especially at the time of the earlier records, impannelled an assize of from seven to fifteen neighbours to assist their judgment. This assize, besides giving the deliverance of a jury, sometimes awarded the punishment usually inflicted by a judge. "David Wedderburn, elder, with his twa sons, James and William, were accusit for the away taking of ane bag of wheat out of the merkat last Saturday, and also for strubling of this gude town the samin day, and hurting of Robert Merschell. The whilk accusation and strublance David denyit, and referrit him to God and ane gude assize." An assize of fifteen was then "personally chargit, admittit, sworn, and removit furth of court; and, efter lang avisement be consideration of allegations and probations orderly tane upon the accusation and strublance, hes fundin David innocent thereof, and therefore clengis him; and convicts his twa sons for strublance of the gude town and hurting of Robert, and ordains them to ask the Provost's forgiveness, and pay to Robert for their assythment the soum of ten pounds." 1553. Nov. 3.

A Court thus constituted and with such safe-guards, gave security for the fair administration of justice, and, no doubt, commended itself to general respect; notwithstanding which, litigious neighbours were discouraged from resorting to it, and required on all practicable occasions to refer their differences to the decision of two or more reputable burgesses, half of them appointed by each party, with an "odd-man or our-man" chosen by both, "as judge-arbitrators anent all manner of actions, causes, quarrels, controversies, and debates that ony of them hes to say or propone agains other." These arbiters were instructed to meet on a fixed early day, usually in the Church, and if they then failed in bringing the parties to an agreement upon the dispute, to give their own final decision—in the spirit of the Divine injunction—"or the sun gang down." And this system of settlement was often followed. Sometimes a dispute was amicably referred to

the Magistrates extra-judicially. Here is how a quarrel between persons living to landward was settled in the garden of the old house of
1556. Sept. 30. Wallace Craigie[1]. "Compearit in presence of [two of the old] Bailies in George Rollock's garden, elder, Thome Broune in Ballesschane, tenant to the said George Rollock, and James Strathachine in Achlare, tenant to the Laird of Carmyle,[2] and of their free motive will consentit and actit them in the common Court bukes of this burgh—submitting them to the jurisdiction of the Provost and Bailies in this case—that gif ony of them molests ane another in word or deed frae this furth, that the party offending sall pay to the party suffering the soum of five merks, togidder with five merks to the almshouse; and that be the uphalding of their right hands." A reconciliation thus made might need to be enforced. "The Bailies hes decernit that Findlo Fell and John Gleg, burgesses, sall forgive ilk ane other, and John to tak Findlo be the hand and ask him forgiveness. And whilk of them maks provocation in deed to other or to his servants, to pay ten merks to the reparation of Our Lady Kirk."

At this time there appears to have been a considerable number of persons, mostly churchmen and ecclesiastical dignitaries, who, having been trained to a knowledge of the law, acted as notaries and "actorneys" or procurators. These agents, as in modern times, attended to the interests and did the legal business of their clients, and likewise

[1] The house of Wallace Craigie, which stood, a little east from St. Roque's Chapel, on the acclivity that rises from the estuary of the Tay, has for a considerable time been demolished and its site occupied by various buildings. At the beginning of this century it was the residence of Sir Walter Scott's friend, George Constable, who was the prototype of Jonathan Oldbuck—the house itself being the original Monkbarns. Scott knew the place well, and his description of it in "The Antiquary" is the only account we possess of the old manor house. It was, he says, "an irregular old-fashioned building near a flourishing sea-port," having "a little belfry rising above the ivy-mantled porch"—the belfry, no doubt, where the bell hung which, as we have seen, George Rollock "borrowed" from the almshouse. The garden was appropriately laid out—the house being "surrounded by tall clipped hedges of yew and holly"—and there the author describes the Antiquary as seated reading "beneath the shade of a tall embowering holly, soothed by the summer breeze through the rustling leaves, and the distant dash of the waves as they rippled upon the sand."

[2] The family of Strathachine or Strachan long held the lands of Carmylie, which lie about twelve miles east of Dundee.

appeared in Court as the prolocutors or forespeakers of litigants. I find on one occasion Hector Boece, a native of the town, and the most distinguished of our early Scottish historians, pleading before the Dundee Bailies on behalf of a client. The business on which he made his appearance is thus described in the records:—John Fary, the owner of a tenement "on the north side of the Seagait, betwix Sanct Paul's land at the west and Sanct John the Evangelist's at the east," being, probably, well up in years, made an indenture with his son, Andro, under which he infeft him in the land, excepting the part which he himself occupied in life rent, and Andro, in return, "gave band to his father to pay weekly to his sustenance of meat and drink twenty-eight pence; with the clause that whenever [he] failit in the payment so that three weeks ran unpayit, he suld be quit, and renounce the land to his father." In the course of time the agreement became disregarded, for John's daughter, Jonet, entered as tenant of part of the house and paid no rent to Andro, and Andro discontinued the payment of his father's aliment. On the matter coming before the Bailies, they proposed to discern "that Jonet sall devoid the house that sho occupies till her brother Andro that aught it;" and of the rent that she owed, give her father as much as would satisfy his claim, and pay the balance to Andro. This proposal did not, however, satisfy John; and, by Sir Andro Barry, his procurator, he "claimit Andro to be made quit of the land for braking of the band—he [having] grantit that there was twenty-five shillings byrunning awing his father. Whairfore the Bailies, with avise of assessors, found Andro quit of the land, efter the tenor of his band, and John free to dispone on the samin; and Andro to give him the charter and possession thereof." To carry out this decision and make it effective, John obtained and produced "our Soverane Lord's letters to the Bailies to tak cognition[1] gif the land lying in the Seagait that he dwells in till be lawfully redeemit frae Andro, his son." But "because Maister Hector Bois, forespeaker for Androw, allegit certain exceptions for Andro's defence, [and] that the Bailies suld nocht proceed—as is given in a bill be his hand writ in Latyn—and askit a day to prove the said reasons relevant and of effect, the Bailies, be ward of court,

1521-2. Jan. 17.

[1] Recognition was the process by which a superior reclaimed heritable property.

has fundin that Andro suld have a lawful day to prove the exceptions and articles as said is, and has assignit and affixit to Maister Hector, forespeaker as said is, the thrid day of Februar to prove the exceptions given in writ and articles relevant be juris to be producit, and baith the parties warnit thereto." And, failing compearance, the Bailies "will proceed be cognition to be tane efter the tenor of the King's letters, and has gert warn to the cognition the famous persons warnit to this day." Neither "the famous persons" nor the parties they represented compeared on the day named, and there are no other entries on the matter; so we may conclude that the pleadings in Latin—which, strange as it may now appear, had probably been no more an unknown tongue to the Bailies than it was to the learned Boece himself—proved to be of no avail in arresting the act of reclamation, and that John was sustained in possession of the house.

We know of very few incidents in the life of Hector Boece. In his "Chronicles of Scotland," as translated by Bellenden, describing the Tay, he says, "It descendis, with gret plente of fische, quhill it cum in the Almane seis beside Dunde, the toun quhair we wer born; quhair mony virtewus and lauborius pepill ar in making of claith." His ancestors belonged to Panbride, about ten miles east of Dundee, where they possessed a small estate. Alexander Boyes, portioner of Panbride, 1479-1492, and Patrick Boys, 1513-1526[1] were, no doubt, near relatives. Hector was born about 1466. He received his primary education at the Grammar School of his native town, and this was completed at Aberdeen and Paris. At the University of the latter city he formed a friendship with Erasmus and other distinguished scholars, which continued through life. Early in the sixteenth century he was invited to become Principal of the newly founded King's College in Aberdeen; and, returning home, he entered that office and thereafter held it with much acceptance and distinction. The stipend was a very moderate one, but it was supplemented by several benefices and gifts, with, no doubt, occasional legal fees. Shortly after his appointment, the Town Council of Aberdeen presented him to the Chaplainry of St. Andrew's altar in the Church of St. Nicholas; and, at a later time, they "consentit to propin Maister

[1] Warden's Forfarshire, V., 72.

Hector Boyis with ane tun of wyne or thane with twenty pounds." In 1527, the King granted him a pension of fifty pounds, which seems to have been exchanged, in 1534, for the Rectory of Tyrie. In 1528, he was presented to the Vicarage of Tullynessle, which was in the gift of his College. The last notice of him occurs in 1535, when he appears as a party to a marriage contract between Isabella Boyis and the son of John Brabaner. He died in 1536.

At the time that we find Boece acting as a forespeaker in the Burgh Court, his first book had been in the press, and he was probably on a visit to his relatives, some of whom were in good positions in Dundee. One of them held lands near to the town, and, a few months later, it is recorded that "Patre Boys has stablist Michell Anderson and James Boys his procurators to defend him agains all claims concerning his acres of the Westfield of Dundee, and in all other actions and causes concerning him whatsumever." The same year, "James Boise is cautioner for John Fothringam to pay till Andro Just eight pounds two shillings Scots, for money that he had of him in Flanders." This, no doubt, is the James Bois at whose tavern—apparently near to the harbour—arbitrations on shipping disputes were sometimes held. I think it is probable that Patre or Patrick and James were brothers of the historian.

Hector Boece's works are written in Latin. "The Lives of the Bishops of Mortlach and Aberdeen" was published in 1522, "The Chronicles of Scotland" in 1526, and its translation into the vernacular tongue by his contemporary, John Bellenden, about 1536. The fame of Boece rests upon "The Chronicles," although the work is of little historic value. He lived in a credulous age, before historians had learned to test the value of monkish legends and other unwritten records, and has been unable, perhaps unwilling, to separate the facts of his narrative from the romance which tradition has mingled with them. He accepts with simplicity the most marvellous stories as data for his history; and makes record of strange monsters, of wondrous portents, and of fabulous occurrences as if they were ordinary natural incidents. The book is, however, of much interest as a garner-house of quaint and curious matter; and, in Bellenden's translation, is an admirable example of our ancient Scottish

tongue in conciseness, fluency, and affluence of epithet, which will always maintain a high value. If Dundee should ever erect a fitting memorial of her distinguished sons, Hector Boece and Robert Wedderburn will occupy foremost places among men of letters.

It was held to be the duty of all good citizens to raise and defend their actions before the burgh magistrates, and not to seek for justice
1521. Oct. 21. at alien judges either spiritual or temporal. James Fresar, having entered upon a litigation regarding his wife's goods which "sho had in her wedowhed or he and sho war marreit," seeing that the case was to go against him, "protestit that he trows to be hurt, and sues nocht in this Court; and that he may have privilege to pursue for the action before ane other judge, and incur nocht the danger conteinit in the acts made thereupon." So he "removit him and wald nocht come again." Thereafter, when his adversary "desirit James' wife to depone herself in the matter, James compearit and wald nocht let her come." The Bailies, incensed at his conduct, would not give him leave to go to another court, and, notwithstanding his refusal to plead, examined such witnesses as they had and, after consideration, decided against his claim. They, however, were always ready to admit any sufficient exception against the action of their Court. When Maister Thomas Clahills alleged that some of them were related "to Thomas Annand, [his] party, and farand[1] reckonit the samin in judgement, [so] could nocht be competent judges in the action pursuit agains him be Thomas;" they, on deliberation, "admit the exception, find themselves nocht judges competent be the law to decide the action be reason of consanguinity and affinity, and assolize Maister Thomas frae this Court."

An appeal against the Bailies' decision was usually taken to a spiritual court. The Lords of Council—a delegation from Parliament, which was replaced by the Court of Session in 1532—usually dealt only with weighty matters, while the Sheriff's judgment was not much resorted to, and had not yet become so obnoxious to the burghal rulers as it subsequently was. The ecclesiastical court of a bishop exercised authority within his diocese, and also, by consent of parties,

[1] Apparently.

beyond it, in civil as well as in canon law; and often gave its deliverance with an emphasis which, in those early days, was very effective. A creditor frequently bound his debtor so that, if he failed in implementing a contract, he would fall under the power of a spiritual court, and become subject to the pains of cursing; and, on his failure, would obtain letters from that court by which "the faltour" was excommunicated from the Church with anathemas upon his bodily and spiritual estate as well as his worldly possessions—a sentence which might have been borne with more or less equanimity, had it not included such deprivation of civil rights as subjected his person and property to legal execution. Thus, "Andro Robertson in Petcarro and John Quhithead in Ouchterhouse" became security for the payment of two chalders of victual; "and, gif they fail, they mak Maister Martyn Balfour their procurator to act them in the official's bukes of Sanct Androis under the pains of cursing." Marion Small having a claim on the estate of her deceased father, she and her husband made a bargain with a procurator that he would pursue for the estate on speculation—if he succeeded, getting half, and if he failed, getting nothing—and they named procurators "to act them in the official's bukes of Sanct Androis for observing" their part of the contract "under the pains of cursing." In another instance "Esabel Anderson, the dochter and heir of umquhile Henry Anderson," gave power to procurators so that, "gif sho marries but the consent" of her aunt, "they sall act her in the official's bukes, or his substitute, of Brechyn under the pains of cursing." This is the corporeal result of the anathema. "John Wedderburn hes cursit and socht Richard Corbe's gear and guids, and can find nane; whairfore he requirit the Bailies to put Richard's body in captivitie, conform to the charge in the letters."

1522-3.

1553-4. Feb. 26.

The fulminations of a spiritual court were sometimes issued upon ridiculously trifling occasions. Here is a case in which their action was arrested. George Fif pursued Elene Alwat before the Bailies "for summoning of him and his wife to Brechin, contrair the acts of this burgh. And Elene, compearing personally, renuncit the said summons and cursing—gif ony beis raisit thereupon—submitting her to the jurisdiction of the Provost and Bailies for the pursuit of ane

1555-6. Mar. 2.

silver ring, pursuit be her there upon George's spouse." In the course of time the lower clergy, much to the discredit of the Church, assumed the power of issuing these maledictions. John Knox tells of a friar called William Arithe who, in a sermon preached at Dundee, about 1530, spake vigorously "against the abuse of cursing..... 'The priest,' he said, 'standeth up on Sunday and crieth, Anne has lost her spindle; there is a flail stolen from behind the barn; the gudewife on the other side of the gait hath lost a horn spoon; God's curse and mine I give to them that knoweth of thae guids and restoreth them not.' This caused the people to mock at cursing." Arithe farther related to his audience how some husbandmen whom he met, said that the Bishops and their officials served them more cheaply than their own servants, "for will they not give to us a letter of cursing for a plack, to last for a year, to curse all that look over our ditch; and that keeps our corn better than the sleeping boy that will have three shillings of fee, a shirt, and a pair of shoes in the year." This sarcastic discourse much incensed churchmen, and "the Bishop of Brechin, having his parasites and jackmen in the town, buffeted the friar and called him heretic."[1]

Although the jurisdiction of the Magistrates' Court was, strictly speaking, confined to the liberties of the burgh, they occasionally exercised authority, and enforced their judgments, over a wider area—it being in such cases usual for the parties to "renounce their awn jurisdiction." Thus, we find them taking cognisance of debts due in the Carse of Gowrie and in Dronlaw, of the insufficiency of cows sold near to the Sidlaw hills, of the wrongous poinding of cloth at Panbride, of a disputed transaction in hemp at the North Ferry, and of a quarrel between two tenants of lands near Carmylie. On rare occasions objections were taken to the exercise of these powers to landward. When Andrew Moncur, living near Inchsture, pursued William Lang in Newtyle for the price of seven bolls bear, "William allegit that the Provost and Bailies can nocht be competent judges to him be reason that baith he and Andro dwell without the freedom of the burgh; and that Andro suld pursue him alanerlie before the Bailies of the regality of Lundores, whair the lands lie whilk he

1558-9. Feb. 7.

[1] History of the Reformation, 72.

inhabits; and protestit, gif the Bailies proceed, for remeid and justice, and refusit allutterlie to mak ony mair defence." But the Bailies, "in respect of the claim and libel, and condition of payment" having been made in the burgh, "repel the allegance, and find themselves judges competent;" and William submitted himself to their judgment.

The great landed proprietors exercised jurisdiction over their own baronies, and held courts in which they decided civil actions and awarded punishment for offences. Some glimpses of this exercise of feudal authority are to be found in the burgh records. Margret Moncur, the dowager Lady Tealing, whose life-rent lands lay under the shelter of the Sidlaw hills, appears to have been of a contentious disposition which sometimes led her into litigation; and, being at variance with her own son, the Laird, she preferred to bring her actions before the Dundee Magistrates, instead of pleading in his court. At one time we find her pursuing a neighbouring farmer to enforce him to fulfil a bargain, and take "the lave of her wheat that was untane," which he—the market having evidently been falling—said he would have done "an he could have halden his awn with it." The Bailies, however, decerned that "be virtue of his condition he sall receive the lave of the Lady's wheat off the schele-hill, and pay her a merk for ilk boll." The next time she came to the Court, was "anent the claim of ane ox pursuit be her on James Spalding," her son's grieve. But "Hew Maxwell of Tealing, his maister," objected to the Bailies' jurisdiction, "and askit him to be repledgit to his court;" on which they found "that he suld have him repledgit—and this after the allegation of the forespeaker for Margret that he suld nocht be repledgit"—on the Laird giving caution "that sho suld have ane day and court assignit to her, and justice to be ministrat." The Grahams of Fintrey, who occupied the Castle of Mains (the ruins of which, with those of of later buildings, yet stand a little north from the burgh boundary), appear to have held their court with some state. In an action which was called before the Bailies, Andro Meill intimated that his witnesses "were tenants of the Laird of Fentre and, because the Laird held his court this day, they could nocht come"—being probably all required to attend upon the baron. The Bailies courteously accepted this excuse, and "continuit Andro's probation till the morn."

1520-1. Jan. 4.

CHAPTER III.

THE SUPPLY OF FOOD.

Forestalling and regrating the markets—The exportation of grain prohibited—Buying agricultural produce—The Castle mill and its water-gangs—Erection of the horse-mill and wind-mill—The millers' multure—Troubles with millers—Fixing the weight of bread—Insubordination of the baxters—Animal food—Value of oxen—The supply of fish—Sales of salmon—The Flukers and the Flukergait—Maltmen and brewers.

The old burgh was well provided with all the ordinary necessaries of life, and the Magistrates took care that these should be supplied of good quality and at reasonable prices. For the sale of provisions there were convenient markets in which the producer and consumer were able to come directly in contact, and from which middle-men or speculators were excluded—such persons being prohibited under heavy penalties from buying produce for the purpose of selling again at profit, either as forestallers, before it reached the market, or as regraters, after it came there. "Jonet Howller is fundin a common forestaller and regrater in buying of bear in gret quantity, and halding in her house and nocht letting come to the mercat, and buying of eggs, butter, and cheese. Whairfore, gif sho beis convict in time to come, sho to be banishit the town." "Robert Stewart is amerciate for the wrangous regrating and buying of victual [in quantity] openly upon the mercat day, and it is decernit that the victual sall be escheatit, the ane half to be dealt at the Mercat Cross, and the other half to be disponit at the Council's will to aigit, feeble, faileit folks"—an appropriation of his goods which caused him to lose his temper, and use indecorous language toward the Magistrates—"and, anent the curious words spoken be him, he is come in the Provost's will, and is decernit to ask forgiveness, and to refrain his tongue frae sic sayings in time to come." Subsequently, those guilty of this illegal traffic

1521. Sept. 19.

were subjected to fines; and, to assist in their detection, the Bailies granted "the officers all the unlaws that they can comprehend of regraters and forestallers of victual furth of the mercat, and transporting the same our the water and other ways."

Victual was imported in considerable quantities, but its exportation was illegal. "For the fault that Thom Fald and John Galloway made for wheat ladening in gret in boats to be fureit[1] to Leith, they grant to pay ilk ane a botill[2] of stanes till Our Lady werk, and Andro Higg, [skipper], surety for John's stanes.[3] And in time to come, an they be convict for siclyke fault, they sall pay—ony that beis faltour—forty shillings to Our Lady werk." Next year it was discovered that Andro Higg's vessel was again being loaded with grain for transportation to Leith, and certain merchants were "amerciate for the wrangous buying in gret of victual and shipping of the samin in dearth time—raising and fostering great dearth amangs the King's lieges—contrair the laws; and doom given that the victual being shippit be escheat:—That is to say, Robert Finloson, thirteen bolls and a half, Willie Fothringam, thirty-five bolls and a half, John Wallace, forty-two bolls and a half bocht in the freedom of the town, and twenty-nine bolls of malt allegit yet undeliverit." Thereafter Andro Higg came before the Bailies and showed that his vessel was laden "with victual—malt and bear—and he being ready to fure it to Leith, whair he was frauchtit, has lain eight days at the pier of Dundee be arrestment, in default of his frauchtsman; whairfore he protests that he may have the costs and skaiths of the lie days he has susteinit, when and whair it effeirs." Which would be rather hard upon the shippers. 1522. Apr. 9.

This is how security is given for the delivery of fore-paid victual. "Andro Robertson in Petcarro and John Quhithed in Ouchterhouse are bunden be the faith of their bodies conjunctly and severally, renouncing the benefice of division, cautioners for James Moncur to pay till George Rollok betwix this day and Mid Lentrone next, twa chalders of victual—half meal and half bear sufficient and dry—submitting them and their guids to the jurisdiction of the Bailies, Dec. 23.

[1]Carried. [2]Boatful. [3]The stones were probably to be brought from Kingoodie quarry on the river side.

or ony other judges spiritual or temporal. And gif they fail, they mak Maister Martyn Balfour their procurator to act them in the official's bukes of Sanct Andro's under the pains of cursing. For the whilk victual James has gotten payment in his hand, and has oblist him to relieve and keep skaithless Andro and John." After the Reformation, spiritual courts no longer exercised the function of cursing for the recovery of debts; and when "James Quhitlok and John Crystie bocht frae Alexr. Maxwell of Telling ane [stack] of outfield aits, conteining twenty bolls corn and fodder, standing in the yaird of Bakemok,[1] for twenty-five shillings ilk boll," they only became bound in the Burgh Court books "to pay it within twenty days efter it be deliverit."

1560. May 3.

There was a number of common mills employed in grinding grain for the inhabitants. Those within the burgh were used for malt and oats, those without—at Pitkerro—for wheat. The most important one in the town was the Castle mill, which was situated at Burnhead on the east side of the Castle rock, its water power—the lade or Castle burn—coming out of the dam at the Meadows, which was fed by the Scouring burn from the west, and the Wellgait burn from the north—the latter being augmented by the Tod's burn from the east. At the time of our earliest records we find that "the common malt mill" had just changed tenants, and "it is allegit be the fermor now that sho is nocht deliverit be David Carnegy as gude in ganging gear in all things and in the dams as he receivit her." The Bailies thereupon appointed six persons—two of them being craftsmen—to inspect the mill, and they, having done so, reported in these terms:—"We, sworn in judgement, and in presence of David Carnegy, ane of the fermors of the malt mill of the year bygane, passit and veseit[2] the mill within and without, and all her gear with water-gangs and dams, as we that was sworn to prize the said mill and her gear, and to consider the samin, and ought to be mendit and beitit[3] be David Carnegy and his marrow,[4] Will Small. In primis, we find that the foresaid fermors ought to lay twa new mill-stanes of Kyngudy upon the mill, as large and sufficient as ever was in their time, or pay the fermors that has her in assedation

1521. June 14.

[1] A farm in front of the Sidlaws. [2] Inspected. [3] Renewed. [4] Partner.

twenty-one shillings and eight pence. Item, they sall pay five shillings to the [present] fermors to mend the water walch[1] with. Item, four shillings to mend the thak of the mill in sklait, werkmanship, lime, and sand. Item, to mend the cogs and rungs[2] twenty-eight pence. Item, the said David Carnegy and Will Small ought to ger cast Tod's burn sufficiently as it ought to be, or pay ten shillings eight pence to ger cast it. Item, to ger cast the mill dam and red it sufficiently, or pay the redding of it, or pay three pound three shillings eight pence.[3] Item, to cast the Wellgait burn and red it, or pay three shillings six pence. And this to be payit because David and Will took allowance of sae meikle money of the common gude" when they entered as tenants. The principal reporters sign "manu propria," but each craftsman does it "with my hand on ye pen." Notwithstanding the report, the old tenants refused "to fulfil the deliverance and mak the mill as gude as they receivit her;" and the treasurer protested that they be made to refund "all the skaith the town sustenes of nocht ganging of the mill in their default; and siclyke, [the new tenants] protest that sae lang as the mill is halden unganging in her ganging graith in the towns default, that there be defalkit sae meikle of their mail."

Tod's burn was a lade passing westward from the Wallace burn, along the face of the rising ground above the Cowgait, to the burn in the Wellgait which came from the Lady well—its course being yet indicated by Todsburn Lane, parallel to King Street, and Todsburn Entry, which joins the Wellgait from the east. The water of Tod's burn being clear, it appears to have been used for other purposes besides driving the mill wheel. Robert Gibson, baxter and brewer, on the north side of the Cowgait, had the privilege of a run from it coming down the slope to his brewhouse; but, having misused the water, at the instigation of Thomas Ogilvy, the tenant of the mill, he was warned "that gif ever herefter it sall happen in his default the water to rin in waste by his coble in filling thereof, [that he] tyne his water-gang coming through his yaird frae Tod's burn, [which shall] be

1562. July 8.

[1] The back lade which passed to the river.

[2] The teeth of the wheel and rounds of the pinion.

[3] The redding of the dam was usually reckoned a public burden. We find the Council ordaining "that all neighbours send ane servant to the casting of the common mill dam as they sall be warnit."

stikkit up and him secludit therefrae for ever." About this same time other brewers were also sharply dealt with. Two days earlier David Ramsay, amongst others, was found selling his ale too dear, and "the Bailies decernit all his brewing lums[1] to be brunt, and, in special, his maskin fat, and he inhibit to brew again within year and day." The rigorous supervision of the brewers had evidently exasperated them, and their feelings found vent in an attempt to make reprisals upon the miller, who had caused trouble by his interference, and through him upon the constituted authorities.

The aisle of the Kirk of the Blackfriars' monastery was now in process of demolition, and some of its stones were being applied "to the bigging and reparation of the Castle burn;" the expense of which, in the first place, was to be met by Thomas Ogilvy the miller, and afterwards deducted from his rent "because the same is ane commonweill, and to the commoditie of the haill town." While this work was in progress, a riotous gathering led on by brewers' wives, seeing that it offered a favourable opportunity for requitting the miller,

1562. Aug. 23. masterfully closed up the burn and stopped the mill. "It is found, be the depositions of diverse famous witnesses, that Katreine Carnegy, spouse of [a brewer], and twa of her servants; and siclyke, the spouse of David Ramsay, with Johnie Jak and her women servants, hes contemptuouslie casten and rowit the greit stanes of the town's wark in the Castle burn, under silence of nicht, in sic quantitie that they have stoppit the Castle mill frae grinding; whairfore they are decernit to be put in ward till they cause avoid the burn of the stanes, and till they pay to the miller ane boll of malt for the skaith bygane," and "ane half boll for every twenty-four hours they suffer the stanes to lie in the burn."

1520-1. Jan. 11. A horse mill for grinding malt was erected, probably upon the back lying meadow. "The Council has chosen Alexr. Ogilvy, the four Bailies, Robert Seres, Clerk, and James of Kynloch to pass and vesy and assign a place of the ground of the town whair the horse mill may be set and biggit on; and obliss them to warrant and defend the fermors of the said mill in their peacable bruiking and joising of the mill and ground thereof whereon it beis set, as far as they may of law."

[1] Utensils.

When the site was fixed on, the Council "deliverit that James of Kynloch sall remove and lay by the trees that he has laid on the common ground of the town [where] the common horse mill is to be biggit, and mak room to cast the ground to the said horse mill." James of Kynloch appears to have had a great many trees lying on the ground. Shortly after this we find him selling "forty-six piece of timmer to the mill," at twenty-eight shillings the dozen.

A windmill, used for grinding oats and malt, stood where the upper end of South Union Street is now. It had been burned by the English, but, when the town was being restored to order, it was reconstructed—the millers who had leased it, having become bound to supply the necessary timber, for which they were to have allowance on payment of their rent. "The Provost and Bailies hes decernit that David Strang, wricht, be adjudgit to big the windmill for the soum of forty merks, and to mak her ane sufficient ganging mill. And David to be made freeman of this burgh to his bounty when the mill is a sufficient and ganging mill. And he to work nae other labour till the mill be endit." The tenants, however, failed in supplying David with the required material, and he came before the Bailies "and referrit to the fermors' aiths gif he had this three month ane month's werk, alleging him to be idle, in their default, for want of timmer. Whairfore he protestit for costs, skaiths, and damage, and that he micht werk ony man's labour for his sustentation." This had the effect of hastening progress, and, after another month, David again "compearit and requirit the tenants to pass with him and receive their windmill sufficient ganging under sail, making weill grund malt. And thereupon he askit act in court." 1550. Oct. 14.

In consequence of the want of sufficient water power in the town, it was found necessary to have other mills outside. The first and most important of these was the one at Pitkerro on the Fithie, about four miles to the east; and at this all the wheat which was consumed in the burgh was required to be ground—the inhabitants being thirled or bound to it, in the same way as they were to the burgh mills. The disputes which frequently arose between a miller and his customers regarding his right to grind their corn and exact multure or payment in kind from them, were much increased in the case of Pitkerro

mill by its distance from the town, which made it easy for the baxters to evade it by carrying their wheat to other and nearer mills along the Dighty, and thus deprive him of his lawful dues. Much trouble, leading to tumult, arose through this, even although the miller himself sent into the town for the wheat. At one time we find nine baxters amerciate in fines, and forty others granting "of free will that an they give nocht their wheat to the servant of the mill of Pitcarro coming with the horse to their doors, that the denyers thereof incontenent be puindit for dry multure, but ony process, in their rooms."[1]

1523. June 26.

The tenants of the mills within burgh were similarly defrauded by neighbours who took their malt, probably, to Dudhope or other alien mills conveniently near. "Robert Lowson was accusit be the fermors of the common malt mill of twenty laid of malt had away frae the mill sen Mechelmes, and they offerit it to his aith, and he refusit to swear. Whairfore he was convict and doom given to pay dry multure for the twenty laid, because he refusit to swear." And other offenders were amerced in the same manner.

Millers have always been proverbial for diverting too large a portion of the ground grain to themselves, and for lifting their multure with too liberal a measure out of their customers' sacks. Lindsay says:—

"Find ane miller that has na fault,
That will nouther steal meal nor malt,
Hald him for halie man;"

and those in Dundee were, no doubt, as ready as others to "tollen thrice." In order to remedy irregularities, "the Council ordainit that there sall be ane sealit[2] firlot and ane sealit peck in ilk ane of the common mills, so that the multure sall be tane with the same measure that the victual ground is mett with—that is to say, ilk twa bolls ane peck, and therefter mair or less, conform to this rate and the quantity of the victual ground."

1522-3. Feb. 12.

The stalwart millers sometimes got themselves into trouble. Will Fyndle, having churlishly refused to grind Provost Ogilby's malt in

[1] Premises. [2] Stamped, verified.

preference to that of other neighbours, "is amerciate be his awn confession for the wrangous casting of the Provost's malt out of the mill, and, when it was cassen out, putting in of other's malt; and doom given. And the punishing thereof referrit be Will to the Provost himself." They had, however, occasionally to deal with unreasonable customers. Dave Wedderburn at the horse mill refused to grind some malt presented to him because, he alleged, it did not belong to a townsman; and thereafter, when he "was pleait for the wrangous casting down of the laid of malt," an "assize made him quit, because he referrit to the servant's aith that was with it whether it was outman's guids or nocht, and he refusit to swear." After the malt was cast out, Thomas Fethy, the reputed owner, behaved in a very obstreperous manner, and "is amerciate be the assize for the wrangous and maisterful breking of the common horse mill door, and doom given, and is ordainit to ask the Provost and Bailies forgiveness of the fault, and mend the skaith of the door." John Howeson, "common servant at the Castle mill," who, it is curious to find, went to his work in his arms, complained "upon Gilbert Hall for the wrangous putting violent hands on him within this town of peace, and taking frae him his whinger. Thereupon, being ripely avisit, the Bailies descern Gilbert to have done wrang," and ordain him "to deliver the whinger to John, and to pay forty shillings for the distroublance done within this burgh and upon their common servant, and doom given thereupon be James Blyth, dempster in the Court."

I find the tenant of this mill at one time getting behind with the payment of his rent, and deforcing the officers who went to distrain for it. "James Blyth, officer, producit in judgement ane broken wand in sign and takin of ane deforcement done to him in poinding of the Castle mill for ane annual rent, the whilk wand wes broken upon James Duncan be him in presence of two other officers. The whilk James Duncan stoppit the officers and wald nocht suffer them to poind the mill, alleging that ane ganging mill suld nocht be poindit." I do not know if this contention had been reckoned valid; but, as we shall see, it was an established custom in Dundee that new tenants of mills should not enter into possession of them 1551. Nov. 3.

while they were at work, but at mid-Sunday when the wheels were "nocht gangin."[1]

Wheaten bread was then largely consumed, and the baxters formed one of the most important of the crafts. The Council regulated all their operations, and required that they should make their bread of "weill bultit flour, and dry baken," that the loaf which was sold for twopence, should not be less than a certain specified weight, which varied according to the value of wheat, and that they should always have a supply of bread ready to serve the lieges. The weight of the bread was usually fixed, after consideration of the circumstances affecting its value, by a meeting "conveinit upon Sunday in the revestrie of the Kirk in time of the hie mess." During
1522-3. Mar. 24. a season of great plenty, "the Council, being ripely avisit upon the chaipness of victual, find the best wheat is sauld for ane merk the boll, the whilk, be the auld acts, suld answer till ane pund of breid for ane penny; yet, nochtwithstanding, having consideration of the complaint made be the baxters anent the dearth of fuel, and waikness presently of the wheat, hes remitted twa unce off every penny, so that the paise[2] of the twa penny breid sall be twenty-eight unce." At the same time, "having consideration that the best bear is sauld for twelve shillings the boll," they statute that "there be nae dearer ale sauld than for twelve pennies the gallon, and gude for the price."

The baxters occasionally disobeyed the injunctions given them, and failed in making their bread of sufficient weight, for which offenders were subjected to fines; and they did not invariably show proper deference to those in authority. David Carnegy, a leading baxter, "is amerciate for the denying to sell his bread to Bailie David Rollock's servant, he selling it to others, and doom given." They even sometimes in a body rebelled against lawful authority, and refused to
1557. Oct. 19. bake on the conditions enjoined; so leaving the town without bread and in prospect of a famine. On one such occasion the Council

[1] By the Court records of 1557, we learn the terms on which the Claverhouse miller was engaged. John Gourlay, miller, showed "in judgement that he is feeit servant to Alexr. Grahame to enter at the mill of Claverois at Mertymes;" and offered to prove that, in addition to multure, his conditions were "ane ganging mill, ane boll of aits sawn, and ane pair of hose promisit for his service."

[2] Weight.

and Deacons of crafts being hastily "conveinit in the Provost's ludging, hes fundin that the maisters of the baxters hes failzeit in nocht having breid in readiness to the furnishing of our Soverane Lady's lieges, indwellers within this burgh, frae Seterday at noon last wes until Sunday at even next therefter, and therefore decern ilk ane of them to have incurrit the pains conteinit in the acts. Nochtwithstanding, the Council, hoiping that the maisters sall amend and nocht fall in sic fault in time to come, hes remittit the rigorous exaction of the act, and ordain every ane of them to pay eight shillings; providing always that, gif they fail in time coming, they sall be punishit conform to the auld acts—that is to say, that whatsomever baxter furnishes nocht the town continually with sufficient breid, the failzear to be banishit for year and day, and all others outmen to be licencit to bake." Thereafter the Council required the master baxters "to give their aiths for observing of the statutes of breid and ale for this year to come. But the Deacon desirit continuation unto Mononday, whilk the Council refusit, and chargit him" and the others "to give their aiths instantly. Whilk charge they disobeyit, in hie contemption of the Council's authority, and therefore they and ilk ane of them war decernit in amerciament, and doom given thereupon." Yet another endeavour was made to bring them to submission; but, "being again solemnly requirit to give their names and aiths to the effect aforesaid, they disobediently refusit." However, after ten days rebellion, during which the town had been without bread, they gave in, and "the Deacon compearit with the underwritten [forty-five persons], brethren of craft, and obtemperit the charge, conform to the acts made be the Council."

During the three years between November 1520 and October 1523, the Council six times fixed the weight at which bread was to be sold; and I find that these weights give an average of nine and a half ounces for the then current penny, which is very nearly the same weight that a penny sterling would now purchase. During the same period, oatmeal was ten shillings the boll, which is considerably lower than it is now. These prices do not, however, of themselves enable us to judge of the real cost of food; but, in considering the material condition of the inhabitants of the old burgh, I will endeavour to

estimate the value of their money as compared with that of the present day, and so arrive at a conclusion on the question.

Animal food was very cheap as compared with agricultural produce, caused principally, no doubt, by the great plenty of natural grass, which needed no labour to make it available for the feeding of cattle. John Cowte sold to George Gardyn an ox for thirty-six shillings, and received payment therefor, but for some reason did not deliver it, and became bound to give him "as gude ane ox, to be esteemit, as the ox that George bocht, and gif he be waur that he gives him, to give again sae meikle money as he is waur." During the period I have named, the average price at which cows and oxen were sold was thirty-five shillings, being about one-tenth of their present value in current money.

Fleshers were subjected to strict surveillance so as to prevent them bringing unwholesome meat to market, and to enforce good order in their booths and on the street. It is enacted "that an ony of them be fundin hoching nowt on the Hie Gait, he sall pay eight shillings unlaw; and, gif it be provit that the nowt stand bleeding on the gait, to be punishit siclyke." Those of the regular craft were empowered to look carefully after the doings of outmen. The Bailies "has given licence to the fleshers to tak an officer with them, and apprehend and bring to the law ony that present nocht all their mutton to the mercat—that are outmen and hald part of houses—or ony that bring flesh blawn,[1] or infekkit with pokks, or lung evil, to be convictit therefor, and their guids escheatit. Or an ony slay flesh within burgh that is an outman, the officer and they to bring that person to the law to be punishit according to justice."

1521. Oct. 4.

Dundee is so conveniently situated as regards the river and sea coast, that it has always been well provided with fish of various sorts, which have formed an important part of its food supply. Sir Andrew Dudley, writing to Protector Somerset from Broughty Castle, in 1547, says, The Tay "is one of the plentifulist rivers of fish as ever I saw,

[1] Lindsay says of these offenders:—

"At our fleshers tak ye na griefe,
Tho' they blaw lean mutton and beife,
That they seem fat and fair."

both salmon, porpus, seal, herring, and other kind of fish;" and Robert Edward, in his "Description of Angus," published in 1678, says, "In the river Tay near Dundee and a little above it, a kind of whiting, commonly called charies of Tay, and a species of turbot are caught in great quantities;" and there, as well as off the adjacent sea coast, "there are many thousands of salmon caught every season, sufficient not only to supply the inhabitants, but merchants for exportation to foreign countries"—descriptions which yet are generally applicable. The salmon fishings within the liberties of the burgh—an asset of the common good—were leased, in 1523, to William Dog for forty pounds a year, and at his death, in 1525, the same fishings, described as "Sklait Huch, Myle Mark, and Clochre," were leased for nineteen years at the same rent to John Balfour of Balledmond and Margret Kyd, his spouse.

The market for the sale of fish was carefully overlooked, and rigorous measures were taken to prevent speculators buying from the fishermen and selling at profit to the inhabitants. The four sergeants are ordered "to keep the victual mercat, Wednesday and Seterday, twa ilk week, till twa hours efter noon; and siclyke, the gret line boats with fish, that none buy sic stuff in gret mair nor may sustene them; and, an they fail hereintil, to be expellit their office." Hucksters "are to be amerciate for the halding of fish in gret quantity—mair nor four pence worth—within their booths unpresentit to the mercat to be sauld; and inhibition is put to them that they buy nane for twenty-four hours efter the boats come to the pier." Again, "Will Donaldson is amerciate for the wrangous buying of salmond in gret—all that was in the burgh—and regrating again on the neighbours, agains the common laws of burgh, and or time lawful and doom given thereupon that the fish be dealt to the puir folk. And gif he, or ony other, be convict therefor [hereafter], to be banishit their craft for year and day." 1522-3. Mar. 11.

The Court books contain some particulars regarding transactions in salmon. "Thomas Shiphird and Henry Widder grantit them in presence of Alexr Ogilby, Provost, [to have bought] frae my Lord Gray[1] forty-eight barrels of auld salmon, price of the barrel fifty Jan. 14.

[1] Lord Gray owned the fishings on the Tay opposite to his Castle of Broughty.

shillings, and twenty-three barrels of new salmond, price of the barrel three pound—summa totalis nine score and nine pound; and my Lord sall pay and allow in the foresaid soum the tane half of the treis[1] of the new fish; and Thomas and Henry are bound be the faith of their bodies, to pay the said soum to the foresaid Lord betwix the day of this act and the feast of Midsummer—the Nativity of Sanct John[2]—next to come, and failing thereof, submitting their guids and lands within this burgh to be apprizit for the samin." To this contract there is a note appended:—"The whilk persons, Thomas and Henry, cam therefter at their day and payit Lord Gray for the salmond fish haill and complete payment, for the whilk the said Lord dischargit and quitclaimit them of now and for ever."

The standard size of a salmon barrel was eleven and a half gallons—the gallon containing "twenty and a half pounds of Tay water." A barrel would therefore hold about two hundred and forty pounds of salted salmon, which, at the prices named, cost wholesale for the past season's fish two pence halfpenny a pound, and for the new fish three pence of the then current money.

Later prices are rather higher, but, in judging of them, we must bear in mind that the value of Scots money had been continuing to fall. "Thomas Maxwell is become actit for payment of eighteen pound for four barrels of salmond to Elesebeth Barry, relict of umquhile Peter Ramsay; whilk salmond Elesebeth hes of the Convent of Arbrothe, and is deliverit to Thomas be James Anderson in the South Ferry. Whilk soum is to be payit at Sanct Thomas' day in hervest next to come." A few years later, the Bailies "decern Elezabeth Dureham, relict of umquhile Alexr Patersoun, to pay to Henry Orrok, in the South Ferry, the soum of four shillings for ilk piece of aucht salmond coft be her frae him."

1553-4. Feb. 27.

One industry of some importance, which was followed at an early time in the estuary of the Tay, now obtains almost no attention, that is fishing for flukes—a name commonly given to various kinds of flat fish, including, no doubt, the "species of turbot" which, Robert Edward says, was in his day caught in great quantities

[1] Barrels. [2] June 24th.

above the town. These are still very plentiful upon the sand-banks opposite the Esplanade, but are of so small a size as to be hardly worth the trouble of catching. Fish appear sometimes not only to migrate and change their feeding ground, but also to vary in their development, as has, no doubt, been the case with the flukes which formerly frequented the Tay. Dr Small, writing in 1792, says of haddocks, which used to be very plentiful off the coast of Angus, that they, "for more than three years, have entirely left;" and we know that since that time they have returned in great numbers. There is some notice of the flukers or fluke fishermen in the Court records, which shows that they were a rather quarrelsome and rough set. "The Bailies hes decernit that whilk of the flukars, maister or servant, baith be sea or land, molests, troubles, or injures ane another, that offender, gif he be ane maister, to pay twenty shillings, and gif he be ane servant, to pay five shillings to the Almshouse." 1557. Dec. 15.

Local antiquaries have always been puzzled to fix upon the derivation of the word Flukergait, which was the designation of the Nethergate until the middle of the sixteenth century. I think, there can be no doubt, the street obtained that name because the flukers' houses stood upon its south side at the west, near to the Yeaman Shore, where their boats had lain, and from whence access was easily had "to the sea and frae the sea" convenient to their principal fishing ground.

The old burgh was famous for its good ale which, being almost reckoned one of the essential necessaries of life, was in such demand that malt for its manufacture—usually classed with other grain as victual—was required in such quantities that, as we have seen, the greater part of the mill power in the burgh was employed in grinding it. Although brewing was thus one of the principal industries, work in connection with it was sometimes carried on in an objectionable and indecorous manner. When the churchyard lay waste after the burning of the Church, among the various incongruous purposes for which it was used, was the winnowing of malt. "Andro Broun grantit that he dichtit his malt in the kirkyaird, abune inhibition put till him be the kirkmaister," for which he is "adjudgit to pay eight shillings unlaw, and siclyke, all others dichting malt in the kirkyaird.'

There are various entries in the records regarding brewer's troubles. Thomas Yong had a kiln for preparing malt, and he refused to pay the wages of Reche Gowan, his servant, because "he had been spilling[1] of malt in the making sen Witsunday, and had [also] spilled a fafull[2] of wort." But it "is fundin be the assize that Reche is quit of the claim;" and is to have his wages. Thereafter, the owner of the malt refused to pay Thomas for the making of it, "because of the skaith of the kiln full," and the dispute is referred to arbitration. Sometimes the owners of malt employed others to make it into ale. "John Robertson and his wife are adjudgit to brew Will Lowson's malt, be virtue of condition, till the Rude day forow Witsunday[3] next to come, because they have receivit a boll of malt in bounty for the brewing of his malt for a year." Anne Stevenson received from Wat Broun's wife six firlots of malt to make into ale, and alleged that "Wat's wife gave her command to sell the ale for seven pence the gallon"—a price so low that the speculation turned out to be unprofitable—and Anne was ordained either to prove what she alleged, or make up the cost price of the malt to the owner. Jonkyn Inch's wife brewed ale, but she had been rather dignified, and refused to sell it in small quantities as in an ordinary ale-house. She is, however, "amerciate for breaking the statutes of the town, and denying of ale to be sauld till the neighbours but be quyntas"—that is in small barrels.

[1] Spoiling.

[2] Vatfull.

[3] In Scotland there were two festivals called Rood days, which elsewhere were otherwise distinguished, the one, on May 3d, commemorating the Invention or Discovery of the Cross by the Empress Helena, and the other, on September 14th, celebrating its Exaltation by her son, the Emperor Constantine. "The Rude day forow Witsunday" is the former of these festivals.

CHAPTER IV.

BURGHERS' HOUSES.

The Constable leasing a mansion—John Scrymgeour's lands sequestrated—A house rented for the Lady of Dudhope—The town house of a landed man—Securing the "bairn's part" of household goods—Effects of a burgess forfeited for treason—Disputes regarding plenishing—Inventories of furniture and household gear—Customs observed in tenancy—"Fire-houses."

The houses occupied by leading burgesses and landward men living in the town, were usually very substantial in construction and fairly convenient in arrangement. Most of them have long been demolished, some, however, only recently, and a few remain even yet—although they are now applied to other uses—which may give us an idea of the domestic economy of our ancestors, and help to illustrate the social life of the burgh in the sixteenth century. In the Court records I find descriptions of some of these houses, and a number of curious inventories of their furniture, which can hardly fail to provoke comparison between the plain and substantial character of the surroundings of an old burgher and the light and luxurious appliances of modern life.

The Scrymgeours, Constables of Dundee, usually lived in Dudhope Castle, but they sometimes occupied houses within the burgh. We find James, who repeatedly filled the office of Provost between 1521 and 1540, leasing a mansion, for the rent of which two of his friends became security. "James Scrymgeour in Wellgait and Will Ramsay are boundin and oblist be their hands uphaldin, for ane noble man, James Scrymgeour, Constable of Dundee, for to pay till Rechert Graham or his factor, yearly and termly, thirteen merks and half merk, usual money of Scotland, for the mail of the innys[1] that

1523. Ap. 20.

[1] A mansion.

pertenes to the heirs of Rechert Barry,[1] togidder with certain insicht guids[2]—[enumerated] in a bill that Rechert has the writ of—that is left on the ground at the ische and leaving of the house."

John Scrimgeour, the succeeding Constable, who, as Provost, signed the articles under which the town capitulated to the English in 1547; by reason, no doubt, of his connivance with the enemy, had his lands and Castle of Dudhope sequestrated by Regent Arran, either for his own behoof or that of his secretary, and a factor was
1551. Sept. 4. placed in charge of them. "William Elphestoun is create officer to Sir Neill Lang, scribe to my Lord Governor's Grace, of his acres lying within the territory of Dundee and barony of Dudhope. And William has made faith upon the haly Evangels to do due administration in the said office of sergeantship till he be dischargit." This sequestration appears to have shortly afterwards had the effect of dispossessing the tenant of the mill, which was on the haugh below the Castle. John Hair complained to the Bailies "that James Rollok, elder,[3] come to the mill of Dudhope, and put out [his] servant and pickman[4] of the mill, and ejected him violently therefrae. And, therefter, James come be him and his servants to John's house, and had with him ane wheelit cart wherewith [they] muckit the mill lands; and they tillit and manurit and sew the samin, and thairfore excludit John of his possession." It does not appear that the Bailies were able to give the miller any redress for his eviction. In 1557, other persons had possession of part of Dudhope lands. "Effe Fowalar and George Wedderburn, her spouse, desirit of the judges to have officers create for the acres lying without the Eastfield of the barony of Dudhope, and all other their lands."

During the time of his sequestration, John Scrymgeour, no doubt, left the town, and we find his wife renting a house, probably in the Flucargait; about which there are some particulars in the lease.
1556-7. Feb. 4. "I, George Spalding, younger, burgess of Dundee, hes set to Marion Wardlaw, Lady of Dudhope, my new hall, chalmer, and loft, with the brewhouse, and other twa cellars betwix that and the yett, with

[1] I find that about thirty years before this, "Dic of Barre payit xx[s] for his layr and his wyfis in the Kyrk."

[2] House furniture.

[3] He was probably father of the "Portar of Campvere."

[4] The person who dressed the millstones.

my yaird—reserving to myself my bees, and free ische and entry through the yaird. Her entry to be at the feast of Witsunday; and paying therefor to me eighteen merks of mail, for the whilk Thomas Duncan in Athebaton is become cautioner. Attour I sall furnish to the hall,

Ane buird.
Item, ane cop almerie.[1]
Item, ane form.
Item, ane chair.
Item, ane yrne chymna[2] as it stands new.

And to the chalmer,

Ane bed.
Item, ane press.
Item, ane schryne.[3]
Item, ane lang sadill.[4]

And sall cause mak ane parpane[5] wall of timmer, with door and lock, dividing the loft in twa." This writing having been produced in court, "William Carmichell, Bailie, causit it to be registrate in the common bukes."

Various relatives of the Constable were landed men, having good houses in the burgh. James Scrymgeour of Balbuchlie had "lands in Fyf, Angus, Stermonth, in Dundee, and without Dundee," and he appears to have exercised feudal authority over the Rotten Row while Dudhope lands were under sequestration. At one time, he gives the Bailies assurance that "gif Edward Chalmers, tailzour—complenit upon be Jonkyn Croil and the remanent brether of his craft—beis fundin wirking the tailzour craft, that he, be his office of Bailierie, sall banish him out of the hill," and so enable them "to do in the bounds of the burgh to Edward according to law." James' town house was a large building fronting Argylesgait, and having a wing extending northward by the side of Argyle Close. I find him renting this wing, along with the furniture in it, to a neighbour. "It is appointit and agreeit betwix James Scrymgeour 1560. June 4.

[1] A cup board. [2] A fire grate. [3] Or cabinet, a depository for relics and other valuables. [4] Or settle, a couch which was also used as a bed. [5] Partition.

of Balbuchlie on the ane part, and James Caraill, burgess of Dundee, on the other part, touching the tenement and ludging of James Scrymgeour in Argylesgait, betwix the land of James Myln's heirs at the east, Sanct Salvator's at the west, the Friars at the north, and at the south the said James Scrymgeour's fore land—exceptit to himself, with the cellar at the well, with the stable anorth the yett, and with the little stair in the turnpyke to serve the fore chalmer—for the whilk asiments afore written—[with the] reserving afore reservit—James Caraill sall thankfully pay this instant year ten pounds usual money of the realm, at twa terms usit and wont. [And he] sall receive the gear within James Scrymgeour's ludging now presentlie, and sall keep the same, as he does his awn, safe. That is to say:—Within the hall,

Ane meat buird of aik, with dessis[1] and furm to the same.
Item, ane round cup almerie.
Item, ane side buird.
Item, twa furms of fir.
Item, ane hinging hart horn.
Item, certain paintit claiths of stories.
Item, all the doors with locks and keys to the same.

In the cloching,[2]

Ane almerie of aik.
Item, ane dressing buird.
Item, ane crew for fullis.[3]

In the chalmer,

Ane press of aik, with ane lock and ane key.
Item, ane standing bed of aik.
Item, ane furm bed.[4]
Item, ane grite schryne of aik, with lock and key.

In the inner chalmer,

Three beds of fir.
Upon the walls of baith the chalmers skelfs of fir in manner of presses.

[1] A dess was a form with close back and ends. Gawin Douglas says:—

"I saw our ladyis twa and twa,
Sittand on deissis."

[2] Closet.
[3] A cruive or crib for fowls.
[4] A settle bed.

Into the prevy,
Ane stuill of aise.
In the keche[1] chalmer,
Ane bed of fir comexit.[2]
In the brewhouse,
Ane maskyne fatt.[3]
Item, ane wort stand.
Item, ane pair of gantries.
Item, ane cleik for the caldron.
In the cellar of the turnpyke,
Ane double girnal.
Of the foresaid soum James Scrymgeour grants him to have receivit forty shillings. Reserving free passage, ische, and entrie to him at back and fore."

Both these houses are yet standing. The one which was rented to Caraill, is on the west side of Argyle Close, adjoining the fore land on the south. Its surroundings are, however, changed, for, in place of the erections which now hem it on the north, there was then a garden that extended to the Grayfriars' yard. The building, although long disused as a dwelling-house, has not been modernized externally. For some time, until about thirty years ago, it was used as part of the printing premises of the Dundee Advertiser; and it is now occupied as saloons to the adjoining shop. The fore land to the Overgate has been little changed in its upper part during three centuries. Its principal feature is a fine turnpike stair, with a heavy oaken balustrade, which is a good example of the substantial domestic architecture of the old burgh.[4]

1560-1. Feb. 23. "James Scrymgeour of Lytiltoun[5] grantit him to have set to Thomas Muir, skipper, burgess of Dundee, and to Marjorie Walker, his spouse, all and haill his land and tenement callit the Grene land fore and back, with the yaird, close and tail thereof, and their pertinents, lying on the south side of the Flukergait, [and having] the sea at the south—saving and reserving to [himself] when he is

[1] Kitchen.
[2] Probably having a coomed or arched front.
[3] A mashing vat.
[4] Mr Alexander Elliot, in "Hood in Scotland," shows that this was the house in which the poet lived for about two years.
[5] Probably Littleton in the Braes of Gowrie.

present in this town, the galrie chalmer, and the stable thereunder alanerlie—for all the space, days, and terms of three years; and grantit him to have receivit frae Thomas in numerate money, the soum of thretty pounds in complete payment of the mail and duties." The "Grene land" was probably so called because it was ivy-grown. It lay, with its grounds, on the east side of Lord Crawford's great mansion which, by this time, was screened on the north by another building to the street. This building was rented to tenants. In 1554, "The Bailies decernit Elen Alwat to produce my Lord Crawford's write upon the licence whilk sho alleges her have of twa volts in my Lord's fore land, or else remove her and her guids therefrae but ony further process."

Alexander Lovell, whose house was on the north side of the Flukergait, near Seres Wynd, having died, leaving only James, an infant son, his widow, Bessie Wedderburn, was married to Alexander Ogilby—whom we find oftener than once occupying the Provost's office, and whose house was on the same side of the Gait, near
1521-2. Feb. 5. the Church. On the marriage taking place, Provost Scrymgeour, in the interest of the son, instructed "prizers" to value the effects of the deceased. "And they prizit in the first,

A doublet of tanny dammes,[1] to - -	00*l*	50*s*	00*d*
Item, a red cap, to - - - -	00	14	00
Item, a hogstone[2] of double worsat, to - -	03	00	00
Item, a gown of tanny, lynit with buggis,[3] to -	06	13	04
Item, a pair of hose of Flemyng gray, to -	00	10	00
Item, a hat, to - - - - -	00	02	00
Item, a jak of reindeer,[4] to - - -	02	13	04
Item, a saddle, to - - - -	00	06	08
Item, a swerd and buckler, to - - -	00	14	00
Item, a pair of splents,[5] to - - -	00	10	00
Item, a knapscall,[6] to - - - -	00	00	40
In the chalmers,			
A couch bed of aik, to - - - -	03	06	08

[1] Tawny damask.
[2] A jacket for wearing under armour.
[3] Lamb's skins.
[4] Jacks or jackets were sometimes of leather.
[5] Armour for the legs or arms.
[6] A headpiece.

Item, the fedder bed and bowlster, to - -	00*l*	40*s*	00*d*
Item, a water pot, to - - - -	00	00	16
Item, a werdor bed,[1] with twa blankets and a cod, to - - - - -	00	26	08
Item, the mantill[2] and sheets, to - -	00	20	00
Item, the press, to - - - -	00	20	00
Item, a silver spune, to - - - -	00	13	04
Item, a bout-bind claith, a towel, and twa servators[3] of linen, to - - - -	00	04	00
In the hall,			
A cumptor,[4] to - - - - -	05	06	08
Item, a rowndall,[5] to - - - -	00	10	00
Item, a furm, to - - - -	00	02	00
Item, a stule, to - - - -	00	00	16
Item, a lang sadill bed, and a cupbuird, to -	05	00	00
Item, the basing and the lavar, to - -	00	10	00
Item, a cusching, to - - - -	00	03	00
Item, seven pund of pewter in vessels, to -	00	10	06
Item, of tin stoups twelve pund, to - -	00	12	00
Item, a chandillar, and a cruice,[6] to - -	00	06	08
[In the kitchen,]			
A veschall bink,[7] to - - - -	00	05	00
Item, a riding coat, to - - - -	00	24	00
Item, a chymna, to - - - -	00	10	00
Item, a cruik,[8] to - - - -	00	02	00
Item, a tayngs, to - - - -	00	00	08
Item, a goose pan, a speit, and a Lentrone ladle,[9] to - - - - -	00	05	06
Item, a pair of pepir quernys,[10] and a purse and belt, to - - - - -	00	10	00

[1] A tent bed.
[2] A bed-cover.
[3] Table napkins.
[4] Or comptoir, a writing table.
[5] A small round table.
[6] An open iron lamp.
[7] A set of shelves for displaying dishes, now commonly called a platerack.
[8] A swinging arm which hung upon the jamb, with hook and chain for holding vessels over a fire.
[9] Probably a slight ladle. Broth made without beef was called "Lentrone kail."
[10] A hand-mill for grinding pepper.

Item, the table, to - - - -	00*l*	04*s*	00*d*
Item, the kamys and kemyng-stock,[1] the quheill,[2] and cards,[3] to - - -	00	15	06
Item, the leding stane,[4] to - - -	00	04	00
Item, the balk and breddis,[5] to - - -	00	04	00
[In the closet,]			
The lettrone,[6] to - - - -	00	10	00
Item, the schryne, to - - - -	00	08	00
Item, the ballandis for the maddir,[7] to - -	00	05	00
Summa totalis - -	45	18	06"

Thereafter, articles to the value of one-third of the whole were laid aside, so "that they sall be forthcoming to the bairn at his lawful age, or the soums that they are prizit to;" for the which "James Wedderburn, mother-brother to the said bairn, is become surety," and his mother and her husband "hes bunden them to keep him skaithless of the soum; submitting them to the jurisdiction of the Diocese of Brechyn, be the faith of their bodies—their hands uphaldin."

Thomas Stewart, a burgess in a good position, and, according to Admiral Wyndham, "paying of yearly rent better than forty pounds sterling," having, as we have seen, traitorously aided the English when they occupied the town, he was therefor subjected to the process of forfeiture. The Regent made a grant of his confiscated possessions to Mathew Hamilton of Milburn, near Aberdeen; and subsequently, when William Stewart, his father, died, Hamilton took steps for also securing the property which the son should then have
1552. July 13. inherited. "Bailie Lovell, conform to our Soverane Lady's charge, past to Besse Farquhar, William's relict, and chargit her to deliver the heirship gear perteining to Thomas Stewart, to Mathew Hamilton, [the donatour], be reason of his forfalture. Whilk charge, being read, Besse obeyit, and deliverit to Mathew's procurator this gear as efter follows:—In primis,

[1] Heckles and heckling-bench for flax.
[2] A spinning wheel, probably of the simple construction which was driven by the hand.
[3] For carding wool.
[4] Probably a curling stone.
[5] A beam and scales.
[6] A devotional desk.
[7] A balance for the meal store.

Ane double comptour, with the broiderit claith.
Item, twa lang towels, and six servietts.
Item, the silver piece, ane gilt mazere,[1] and ane silver spune.
Item, ane chargeour, and ane breid dish.
Item, ane haill maise, and ane half maise.[2]
Item, ane luggit dish, ane salver, and ane trousteour of pewter.
Item, ane quart, ane pint, and ane chopine of tin.
Item, ane chandeler, and ane craucie.
Item, ane bason, and ane chafer.[3]
Item, the best beef pot, and ane kail pot.
Item, ane fish pan, and ane iron pan.
Item, ane pair of Flanders balks, with the bredds.
Item, the wechts of lead—ane half stane, twa pund, and ane pund.
Item, ane pair of irne rakes, and ane speit.
Item, ane taings, ane ladle, and potbowls.
Item, ane girdle, and ane bakebreid.
Item, ane furm, and ane tafill bord.[4]
Item, ane chair, and ane cuschion.
Item, ane kemyne-stock, and ane pair of wool kaims.
Item, ane spinning quheill, and ane pair of cairds.
Item, ane veschel bink.
Item, the bed in the inner chalmer, with curtains of Arras werk.
Item, fedder bed, bowlster, and down kod.
Item, double blankets, and sheets.
Item, ane bed mantle, and ane water pot.
Item, ane Danskine[5] schrine, and ane lettrone.
Item, ane candle kist, and ane ship kist.
Item, ane press, and ane lang saddill bed.
Item, ane gown of russat, lynit with tod's and lamb's skins.

[1] A bowl, probably of silver.
[2] Drinking vessels, probably of maple.
[3] A vessel in which charcoal was burned.
[4] A side table.
[5] Dantzic. Much of the heavy oaken furniture then in use came from the shores of the Baltic. A contemporary poet describes the house of a wealthy burgess as containing—

"Baith Flanders coffers, with counters and kist:
He wax ane grand rich man or ony wist."

Item, ane jacket coat, and ane riding coat.
Item, ane doublet, and ane riding cloke.
Item, ane horse saddle, and bridle.
Item, ane swerd, and boots and spurs.
Item, ane flesh vat, and ane fish vat.
Item, ane meal pyp,[1] and ane ale rubbour.[2]
Item, ane firlot, and ane peck.

At a later time, after Regent Arran had left the country, Thomas Stewart made an attempt to recover some of his forfeited possessions;
1558-9. Feb. 7. and, having, by an assize, been served heir to umquhile William, his father, "he askit instruments that there wes nae person that compearit in the contrair." On this, James Scrymgeour of Balbuchlie, in behalf of Elizabeth Farquhar, the mother, "protestit that this suld nocht prejudge her anent the delivery of ony heirship guids, be reason sho had made deliverance thereof else,[3] when Thomas wes convictit for assisting to our auld enemies of England in lese-majestie[4] committit be him, through the whilk, process of forfaltour wes orderlie led agains him, and his escheat of lands, guids, and heritage disponit be the donatour thereto, whilk obteinit the samin of our Soverane Lady's Tutor and Governour for the time." Stewart subsequently effected an arrangement with Hamilton, under which he was able to recover a portion of his confiscated possessions.

1550-8. There are various other inventories of burghers' household and other gear in the Court records, which are not without interest. "Cristane Broune acclaimit of William Bachillar four pounds fourteen shillings for nine ells of hardine,[5] ane Danskine lang sadill, ane halbert, and ane paintit claith, the whilk William denyit." Henry Low granted to have "thir guids perteining to umquhile Thomas Watson:—Ane nopsek,[6] ane bowster, four or five pots, ane yellow lettrone, ane brown haik,[7] and ane red kirtle in his own possession, besides ane coffer of black aik in Jonet Lambs possession, standing in her house." The credit system was not unknown in those days. "Richard Corbe grants him to have ane chymna of ten stane, and

[1] A tub.
[2] A barrel.
[3] Otherwise.
[4] High treason.
[5] Or harn, coarse linen.
[6] A flock bed.
[7] A gown.

ane almerie of aik" belonging to Alexr Cuke, which are "to remain in his [Richard's] possession for the space of twa years," and if he pays "nocht the soum of six pounds eighteen shillings within the twa years, the chymna and the almerie to be proper guids to Alexr." Mege Sturrock had some articles which, on John Differ's probation, are found to belong to him; so she "grantit her to deliver to John the evidents of his piece of land callit the Murehouses in the Carse, ane brew caldrone, ane quheel and cards, ane buckler, ane girdle, ane bason lavar, and ane speit." "William Martyn in Logy and his wife, intromitters with the guids and gear of umquhile John Carno, burgess of this burgh," are required "be the tutor of John's son and heir" to account "for ane gown of black, lynit with tod's [skins], ane jacket of double wirset, six silver spunes, ane bason and lavar, ane plate, ane dish, ane pot, ane yrne chimna, ane fedder bed, with bowster and sheets, and ane cuschion;" and the Bailies decern them to deliver these goods within eight days. Other articles are claimed which "William and his wife deny, and the tutor hes tane to prove them upon ane new warning." The son and daughter of "John Herreiss, now lately deceasit of this pest, [1557], grant to have receivit frae the hands of Thome Logy, tailzour, the soum of aucht pounds of numerate money for twa brassin pots, ane little caldron, ane yrne cruik, ane standing bed, ane little almerie, four kists, ane brassin chandilar, ane pair of hardine sheets, certain hardine yarn, ane pair of auld hose, ane pendace[1] of ane small silver belt, and ane silver ring; of the whilk money we hald us weill content and payit for the gear and guids before expremet.[2]" "Isobell Anderson, relict of umquhile James Gibson, baxter," agreed to pay to Robert, her husband's brother and heir, for gear left in the house, "the soum of eighteen merks for brewing lums,[3] and also nine pounds for ane bed, ane werstall,[4] ane comptoir, and ane almerie; whilk lums and insycht perteinit to Robert in heirship, and are coft and receivit frae him be Isobell."

A continued depreciation of money accounts for the generally higher prices at which gear comes to be valued. "The inventory taken 1563. May 12.

[1] A buckle.
[2] Named.
[3] Or looms, utensils.
[4] A wardrobe.

of the household guids and gear perteining to umquhile James Rollak younger, and Christiane Scrymgeour, his spouse:—That is to say,

Twa aiken beds, the ane estimate to - -	02*l*	13*s*	04*d*
The other with the curtains, to - - -	04	00	00
Item, twa furm beds, to - - -	03	00	00
Item, ane lang sadill, to - - -	00	14	00
Item, ane almerie of aik, ane comptour of aik, and ane press of fir, all lying in wed of -	00	50	00
Item, twa kists of fir, estimate to - -	00	36	00
Item, ane Danskyn lang sadill, to - -	00	05	00
Item, ane little taphill comptoir, to - -	00	04	00
Item, ane other, to - - - -	00	06	08
Item, three chairs, the ane, to - - -	00	06	08
The other twa, to - - - -	00	08	00
Item, twa spairis,[1] to - - - -	00	04	00
Item, four fedder beds, and four bowsters, to -	10	00	00
Item, four pair of blankets, to - - -	02	13	04
Item, eight pair of sheets, to - - -	05	06	08
Item, ane curtain of Arras werk, to - -	00	30	00
Item, twa slicht coverings, to - - -	00	16	00
Item, five cuschions, to - - - -	00	15	00
Item, five bed mantlis, to - - -	00	20	00
Item, ten cods, to - - - -	00	40	00
Item, ane brassin mortier,[2] to - - -	00	30	00
Item, twa pots, to - - - -	00	16	00
Item, three pans, to - - - -	00	16	00
Item, twa speits, to - - - -	00	03	00
Item, twa cruiks, to - - - -	00	04	00
Item, ane hars,[3] to - - - -	00	30	00
Item, ane hoinette,[4] to - - - -	00	05	00
Item, three chandelars, to - - -	00	14	00
Item, twa crausis, to - - - -	00	04	00
Item, ane chaffer of brass, to - - -	00	03	00
Item, ane mazzer, to - - - -	16	00	00

[1] Spears.
[2] A mortar.
[3] Or hearse, a hanging chandilar.
[4] A lantern?

Item, four silver spunes, to - - -	05*l*	00*s*	00*d*
Item, half dozen buird claiths, and ane dozen shuirtts,[1] to - - - - - -	03	00	00
Item, thretty-nine pund wecht of pewter pint stoups, dishes, plates, and trenchers, to -	05	04	00
Item, twa quheills, to - - - - -	00	08	00"

1564-5. Mar. 19.

The articles in the following inventory appear to have mostly been entered at a very full valuation:—"Inventory of the gear of umquhile Margret Smyth,

Half ane stane of dicht wool, price - -	00*l*	30*s*	00*d*
Item, ane boat, price - - - -	80	00	00
Item, four fedder beds, price - - -	10	00	00
Item, ane Flanders compter, price - -	04	00	00
Item, ane press, price - - - -	00	40	00
Item, twa irne chimnays, price - - -	04	00	00
Item, in money - - - - -	25	00	00
Item, ane meat almerie, price - - -	00	30	00
Item, six pewter plates, price - - -	00	40	00
Item, five tin trenchers, price - - -	00	10	00
Item, twa tin pint stoups, price - -	00	10	00
Item, twa chandelers of brass, price - -	00	16	00
Item, three pots, price - - - -	00	20	00
Item, ane pan, price - - - -	00	06	00
Item, ane maskin fat, price - - -	00	40	00
Item, ane wort stand, price - - -	00	20	00
Item, thirteen pair of sheets, price - -	10	00	00
Item, six cods, price - - - -	00	30	00
Item, ane crause, price - - - -	00	04	00
Item, fifteen ells of hardine, price - -	00	38	00
Item, twenty ells of linen, price - -	00	46	08
Item, ane buking aproun, price - - -	00	08	00
Item, twa black kirtles, price - - -	06	00	00
Item, ane black mantle, price - - -	03	00	00
Item, ane pair of short wirset slewis,[2] price -	00	10	00
Item, ane pair of mellay[3] slewis, price - -	00	08	00

[1] Shirts. [2] Sleeves. [3] Mixed colour.

Item, ane prolilett [?] of black wirset, price -	00*l*	10*s*	00*d*
Item, ane silver ring, price - - -	00	30	00
Item, seven curches of Holland claith, price -	00	40	00
Item, twa wort skeills,[1] price - - -	00	08	00
Item, twa cruiks of irne, price - - -	00	10	00
Item, ane chair, price - - - -	00	05	00
Item, ane lang sadill, price - - -	00	16	00
Item, ane kist, price - - - -	00	30	00
Item, ane taffil buird, price - - -	00	06	08
Item, eighteen stane of cabill harn thread,[2] price [			]"

In the old burgh the practice was that a tenant's occupancy of a house began and ended on "Wednesday in Witsun week," and on this day rents were payable. There was, however, a curious exception to this rule in the case of corn mills, possession of which was taken by new tenants on Sunday when the clamouring wheels were silent. This practice was only discontinued at the time of the acceptance of of the National Covenant, when a more strait and rigid spirit began to prevail. In May 1643, a new lease of the burgh mills having been made, the Council bound "the tacksman that the mills, being delivered on Mononday, shall be lawful delivery and acceptance, and it shall not be imputed to the magistrates that delivery was not made upon the Sabbath at twelve hours, whilk is ordinary time of delivery of mills." Possession of a house was given by delivery of the key on the term day. "Will Robertson complainit upon Lowrens Guthrie that he took certain houses frae him, and wald nocht receive the keys. And the Bailies inquirit at Lowrence gif he took the houses, and he grantit that he took them," but "allegit that he ought nocht to be tenant because Will offerit nocht the keys till him, nor till the Bailies, on Wednesday in Witsun week." Delivery to the Council officer was not reckoned sufficient. Will Rogh is found to be tenant of a house he had left, "for this year in to come, because he broucht nocht the key and the mail in due time;" although he showed "that on Wednesday in Witsun week, he put the key of the house in the hands of a sergeant." Here are

[1] Tubs. [2] Twine made of coarse flax.

tenants with grievances. Walter Car complained that the workshop he had rented was smoky, and his landlord "grantit that he set to Walter ane sufficient tailzour buith; and Walter protestit, gif the buith be nocht haldin sufficient without impediment of reek [from] the nether houses, that he may provide for ane sufficient buith in some other place." David Hill showed that his house had no fireplace, "and referrit to [his landlord's] aith gif he set him the our buith for ane fire-house; and he, sworn, deponit that he set him nae fire-house, but the brewhouse." A dwelling-house was distinguished from a booth or workshop by being designated a fire-house, or house with a fireplace. I find that, in 1590, the ringer of the great bell, for his fee "is appointit to have yearlie aucht pennies of ilk neighbour having ane fire-house."

CHAPTER V.

DRESS.

The durable attire of burgesses—Clothes appointed for servants—Restrictions upon the dress of women—Distraining clothes for rent—A legacy—Difficulty in obtaining clothes of fine quality—Ornaments worn by women—A merchant's wealth sometimes hung about his wife—Jewels laid in pledge—Silver belts and purses—Two families contending for the possession of jewels—The widow's gold buttons.

From an early time, it was judged expedient to regulate the expense of the dress of both sexes by sumptuary laws. In the end of the fifteenth century, Parliament ordained "That nae men within burgh that live be merchandise, unless they be in dignitie as Bailie, or gude worthie man of the Council, shall wear claiths of silks, nor costly scarlet gowns, nor furrings." We do not, however, find that in Dundee there had been any notable extravagance in this direction. The clothes then worn were usually made of durable materials, and, there being no erratic changes of fashion, an upper garment would last long, so that a burgher in good position might be found wearing a coat which he had inherited.

Besides the notices regarding dress which occur in the various inventories, others are to be found in the proceedings of the Court
1523. July 21. which are of some interest. "Andro Robertson grants that he has a doublet of Bertane canvas,[1] and a coat of tafta[2] lynit with yallow, the whilk is Robert Halis', and alleges Sir Alexr Broig, chaplain, to be his warrant." The chaplain did not, however, appear to support him in possession of the articles, and "Andro has deliverit to Robert a doublet, and a hesle[3] of tafta. And he inquirit gif Robert had ony

[1] Probably made at Barton upon the Humber, a place where coarse linen was formerly manufactured.

[2] Taffeta.

[3] This name for a coat appears to have soon become obsolete. Hessle is a small town on the Humber opposite Barton.

other claim contrair him mair to say, and he said, He had nane claim agains him." Coloured clothes were then much worn, and were considered appropriate for any occasion. It was not until the middle of the sixteenth century that black began to be assumed as mourning. Buchanan says that at the funeral obsequies of Magdalene, the much lamented Queen of James V., in 1538, mourning dresses were worn for the first time in Scotland. The Lord High Treasurer's accounts previous to this occasion, show that "ane pursyvant" received fifteen shillings "to pass till Dunde, to charge the inhabitants thairof to bring thare blakis to Edinburgh incontinent for the Queenis tyrement."[1]

Here is a piece of cloth for making a coat sent to a country customer on approval. "Marion Rollok pursuit Robert Kyd, Bailie, for three ells and ane half of green russat, as cautioner for the Laird of Duncrub;[2] and Robert grantit he receivit frae her certain claith, and wes cautioner to pay the samin gif the Laird appleasit the claith, otherwise, to send the claith again within aucht days. Whilk was sent again efter the aucht days, and Marion wald nocht receive it." No decision was given on the matter, but we may conclude that the Bailie was held responsible. Peter Maxwell having come off a voyage, did not bring back a warm coat which he had borrowed, and "is decernit to deliver to Alexr Doig his Bordeaux skin coat with sleeves, as new and sufficient as it wes when he receivit the samin, or else the just avail thereof, togidder with six soulz whilk he receivit frae Alexr to waur upon glass." David Drummond is ordained to deliver to John Fyf, in addition to certain articles of armour, "twenty-four pair of short hose, and ane pair of gray lang breeks." Amongst "the gear perteining to umquhile Robert Caddel," there are enumerated "ane new cloak of russat, ane pair of new hose of maltman's, ane cassikyne[3] of blue, ane pair of breeks of blue, with ane pair of short hose, ane cassikyne of pyrnet[4] canvas, and ane black bonnet lynit with taffeta." Bonnets were then the common wear, hats being more costly and dignified. "Alexr Wauche grantit that he receivit ane silken hat frae Thomas

1553. July 14.

1560. June 24.

[1] Pitcairn's Criminal Trials, I., 287.

[2] Duncrub belonged to the Rollok family.

[3] Or cassock, a loose outer garment.

[4] Of mixed colours.

Hodge, price thereof thirteen shillings four pence." Shoes appear to have been sometimes supplied in quantity. David Logy, cordiner, is ordained "to deliver to David Guthrie five pair of gude and sufficient shoon—viz., four pair meet for himself, and ane pair meet for his wife, and that in respect of David's confession that he is awn the same."

The law enacted that "no servants wear any clothing except canvas stuffs, and they sall have no silk upon their clothes," although "it was lawful for them to wear their masters' or mistresses' old clothes;" and we usually find them—both men and women—dressed in a homely manner. "David Robeson is adjudgit to deliver to Pate Anderson in his fee that he aws him, a doublet of ten quarters of fustian worth six shillings, or else six shillings of silver." The clothes of a groom having been stolen, "John Wallace is convict for the away taking furth of James Scrymgeour's stable of ane pair of auld buskyns,[1] and ane auld doublet of leather," and the rogue is banished for year and day.

At different times Parliament endeavoured to restrain the extravagance of women in their dress. It was ordained that the "wives and dochters" of merchants within the burgh, "be abulzeit corresponding to their estate; on their heads short curches, with little huids, as are usit in England; and, as to their gowns, that nae women wear [costly furs], nor have tails of unsuiting length, nor furrit under, but on the haliday." It was, however, vain to attempt preventing them from adorning themselves with such accessories of grace and beauty. Enactments could have little effect upon fair women practising justifiable arts on their admirers; and even the lampoons in which the poets satirised absurd fashions—such as those of Lindsay upon "Trailing Syde Tails," wherein he shows how

> "Wanton burgess wives
> Who may have sidest tailis strives,
> Weill borderit with velvet fine—"

had probably been disregarded. Dunbar gives us some fine pictures

[1] Loose boots of leather.

of the beautiful women of the period as they loved to be adorned:—

> "Kemmit was thair cleir hair, and curiouslie sched
> Attour thair schoulderis doun schyre, schyning full bricht,
> With curches cassin thame abone, of crisp cleir and thin.
> Thair mantillis green war as the gress that grew in May sesoun,
> Fastnit with thair quhyt fingaris about thair fair sydis."

A dispute having arisen between two sisters about the possession of certain gear, the matter was referred to arbitration. "Agnes Huntar and Tebe Huntar are sworn to bide the deliverance of [four persons], and of the curate of this burgh as odd-man and our-man, sworn upon the decision of the debate of a kirtle and eight shillings, pursuit be Tebe upon Agnes. And the judges sall convene this day, and deliver this nicht." I find some articles of women's dress distrained for rent. When Robert Hynd died, the clothes which belonged to his late wife were taken possession of by his female relatives, although the landlord claimed them for rent due. On the matter coming into Court, the Bailies ordained "Jonet Baxter to restore a mantle, a curch, and the kell of a curch,[1] and Tebe Hynd, a kirtle, and a curch to Sir James Wichthand, [chaplain, the landlord's] factor. And Elene Duncan has confessit a gown, a kirtle, a curch, and five shillings of silver, and is ordainit to restore thae to the chaplain." After the gear was "under the keeping lockfast of Sir James," it was "deliverit to the son and heir of umquhile Robert," on caution "being found for the mail to be payit for the house." At the command of Bailie Andro Barry, certain persons prized "a gown of black—auld and worn—of Gresell Smyth's, tane and puindit for Maister James Scrymgeour, the chantor of Brechin, his mail. The whilk [persons] prizit the gown to nine shillings eight pence, and made penny thereof to them that bade maist for it."

1521. Ap. 15.

1523. Aug. 4.

In a contention which arose among friends regarding a legacy, the Bailies decerned "Gilbert Wallace to [deliver] Elspett, Katrene, and

1560. June 26.

[1] A kell was the cap of the coverchief or curch—an ornamented head-dress, usually of linen, which hung down to the shoulders.

Margret Weir ane pair of black cloks,[1] waltit with velvet, and lynit with bukreme, left to them be Ewfame Hay, his mother, as gude as they were the time they were left; and that in respect they have sufficiently proven that legacy, and Gilbert's intromission as effeirit." Gilbert did not, however, obey the order and give up his mother's clocks peaceably, but assaulted Walter Weir, probably a brother of the legatees, who had gone for their legacy. Whereupon, "the Bailies ordain Gilbert to pay forty shillings to the common gude, and pass to the Kirk Stile next to the tolbuith,[2] and, upon his knees, ask Walter forgiveness, and that because it wes sufficiently proven that Walter wes stricken be him on the face with his neff."

Thomas Robertson, maltman, having questioned the correctness of the tailor's account for his wife's gown, the Bailies found that in "the action of ane sad green kirtle acclaimit be James Donaldson agains him, it is clearly proven that the kirtle wes worth twenty-eight shillings, and therefore Thomas is decernit to pay the said soum within term of law." The woollen cloth manufactured within the old burgh was of various qualities suitable for the usual dress worn by men and women. By a deliverance of Sir James Wicht, chaplain of the almshouse, and "at his command, John Burne acted himself to deliver to Mawsie Watson ane kirtle of the finest russat that is made within this burgh." Material of the best texture was, however, difficult to procure. When the wife of a well-to-do burgher desired that

> "Herself suld be full semlie with silkis arrayit;
> Gymp, jolie, and gent, richt joyous and gentryce;"

and her husband, willing to do "a good thing" and gratify her, resolved that she should be

> "Graythit in gay silk, and gudelie arrayit
> In gownis of engraynit clayth;"

their wishes were not promoted by such tempting facilities as modern

[1] Clocks were often an important and fancifully decorated part of the great head-dresses which were then worn by ladies. Ornaments so named were also sometimes placed upon the stockings.

[2] The South-east Stile.

life provides, for he had to enter into a transaction of the nature of a mercantile venture, and the lady had to exercise patience and wait. "David Stevynson, goldsmith, burgess of this burgh, grantit him actit in the common buke for [deliverance] to be made be him to Jonet Hay and Andro Cryste, her spouse, for his interest, of six ells of sufficient French black [claith] to be ane kirtle and ane cloke, ane curch of new Holland claith, and ane new sufficient Aquainte flaik;[1] and failing, and David delivers nocht to Jonet and Andro the foresaid gear betwix the day and date hereof and the Nativity of our Lord next herefter, in that case he to pay the soum of fifteen pounds, but ony process of law." 1553. July 17.

From the frequent disputes which took place regarding the possession of gold and silver ornaments, we may conclude that such articles were quite as commonly worn then as they are now. And this is only what we might expect to find; for thrifty burghers who had some money which they could not safely invest or prudently adventure, might reasonably—hoarding being profitless and hazardous—turn part of it into personal ornaments, which would serve to gratify the vanity of their wives and daughters, while enhancing their own importance, and still, in the common scarcity of coined money, be readily available for use when necessity required—just as we have seen certain pieces of silver passing current for their intrinsic value. Dunbar presents to us a rich merchant's wife, hung round with jewels in order to exhibit his wealth, as saying

> "He graythit me in greit goldin chenyeis,
> In ringis ryallie set with ryche rubie stanis,
> Quhill hailie raise my renoun among the rude peipil."

Besides being available as a commercial medium, gold and silver ornaments could easily be pledged to meet temporary necessities; and I find that this method of borrowing money upon the security of jewellery was often resorted to in the burgh. "James Feldifer is adjudgit to deliver again to David Bonnar a gold ring layed in wed of sixteen shillings, whilk is fundin payit to James." Again, "Anent 1521-2. Jan. 20.

[1] A plaid, probably made in the French province of Aquitaine.

the claim of certain gear laid in wed to Elene Hill be George Curror, now claimit upon Elene, [she] askit ane lawful day to answer his claim, to be given her in the mean time to be avisit with." At the time appointed George did not attend personally, and "Elene stablist Michell Anderson, her procurator to defend agains him in the action of twa gold rings and certain claith claimit on her;" and Mechell "protestit that Elene suld nocht answer in time to come to George nor his claim, because sho was present and George nocht present, till new warning." On which James Freser, who appeared on behalf of George, "protestit that because he has pursuit Elene of before, and this day be a bill of claim, and is postponit of justice and the matter nocht proceeding, he micht pass before other judges spiritual with the action, and incur nocht the pains conteinit in the acts of the town thereupon."

1521-2. Feb. 13. Sometimes the article laid in pledge was repledged to others, and its redemption became complicated. "Anent a silver ring laid in wed be John Sharpe's wife till Will Sowtar's wife, of five shillings, Will's wife grants the samin, and that sho has receivit again the five shillings; and she is ordainit either to deliver the ring or the avail." But the ring had by this time passed through several hands, for it had been "laid again in wed be Will's wife to James Wedderburn, elder, and laid again in wed be him to Agnes Gent, and therefter laid be Agnes to Rob Carmano." So, on consideration by the Bailies, "it is fundin that the ring is lawfully redeemit for the soum that it was laid first in wed, and it is deliverit to John Sharpe's wife." Thus leaving the others concerned to settle the matter among themselves.

Silver belts were favourite ornaments with the Dundee ladies of this period, and there are a number of disputes regarding their possession. Here is a mother who has kept one belonging to her daughter for her own adornment. "Anent a silver belt and a silver cross claimit be John Dog on behalf of Besse Duncan, his wife, upon Robert Finloson and Muriell, his spouse, and wrangously halden frae [Besse] be her mother, Muriell foresaid"—who had Robert for a second husband—"Robert askit a lawful day, and the claim to be avisit with." But when the day arrived the dispute was referred to

1521. Ap. 29.

arbiters, who were instructed "to hear the proofs, and deliver in the premises—gif they agree nocht the parties—before eight days." Some of these belts had been of inferior quality—I find one of them pledged for twenty shillings, and another for twelve—but others were of fine workmanship and of high value. "Anent ane belt of silver of chenze[1] werk, double our-gilt, weighing ten unce, acclaimit be Marjorie Scrymgeour agains Margret Mylne, with eight pounds ten shillings, and half ane ell of velvet, price thirty shillings, Margret denyit the money and the velvet." But it was "really proven be famous witnesses producit be Marjorie, that Margret receivit them; whairupon Marjorie askit act in court." Margret Mylne appears to have trafficked regularly in such gear. Two years later, "The Bailies decernit ane commission to be sent with the clerk and twa officers, to examine the gudewife of Murton in sae far as sho knaws anent umquhile Patre Montago's silver belt, whidder gif it was laid in pledge to Margret Mylne or nocht, or how meikle that it lay upon." 1552. July 12.

Purses, sometimes called tusches, which hung from the belt or girdle, were often highly ornamented, some being of embossed leather, and others of silk or satin richly embroidered. Dunbar, describing the dress of a careful housewife, says,

"Her tusche was with silver weill besene[2]."

and in the records there is mention of several such. "At command of the Bailie, a silver belt with a red tushe, and a silver spune of the relict of William Afflekk, laid in wed of four pound to Jonet Froster—whilk war presentit twa merkat days before to the Cross, and this day for the third—war prizit to twa merks and half merk, baith the belt and the spune." About the same time, for a debt of twenty-two pounds owing to the heirs of umquhile Rechert Barry and their factor, Sir Hew Lawson, "eight silver spunes and a gold ring of Alexr Scott's" were "presentit at the Merkat Cross and prizit, the spunes, weighing twelve unce and a half, to thirteen shillings the unce, and the ring, weighing three quarters of an unce and a ferding wecht, to eleven merks the unce. The whilk guids war roupit openly, 1521. Dec. 13.

[1] Chain. [2] Be-sewn, embroidered.

and, because there was nae person that bade mair nor Sir Hew, they war deliverit to him" for fourteen pounds, "in part of payment." A few weeks later, for the balance of the debt, there were presented at the Cross "twa silver belts—ane with a black tusche and ane other a red tusche of silk—a hed and pendas[1] of silver, twa silver rings, a heart of silver, and a little gold ring of Alexr Scott's and his wife's, for the soum of eight pound;" and then certain neighbours—"the gret aith sworn—prizit the silver werk forenamit weighing six unce and a half, and the gold ring of ane unicorn[2] wecht and a half, till nine merks. And the officer warnit Alexr Scott to hear the prizing, and redeem the guids for nine merks. Therefter, they war roupit at the Cross to see wha wald give mair for them, and nae man wald give mair, whairfore the Bailies gert deliver the werk and gear to Sir Hew in payment for nine merks."

The consecrated medal designated the Agnus Dei, which was often hung from the neck, sometimes found its way into the hands of
1523. Ap. 16. money-lenders. "Anne Stevynson grants that sho aws six shillings to John Covyntre, and alleges he has in wed for it a Dutch penny conteining ane Agnus Dei of silver, whilk sho gave [him] in pledge." But Robert Halis claimed the penny as his property, while Anne alleged that he gave it "in pledge to her for eight shillings. So the morn is assignit to all three persons to come before the Bailies—Robert to prove the penny his proper guids, and Anne to prove what it aws her, or is in pledge to her for." In a similar transaction, at a later time, "Rob Huchon is decernit to deliver to Besse Bell her Agnus Dei, whilk he alleges he gat frae Robert Marchell, and receive eighteen pence for the samin."

A contention having arisen between two families as to which of them had right to the possession of certain valuables, Alexr Paterson—in whose keeping the articles were—was instructed to produce in Court "the rings, broken silver, and pearls" which were in dispute.
1550-1. Mar. 6. Accordingly, "he consignit three rings of gold—ane with ane saphere, ane with ane ruby, and ane [with ane] garnat—with aucht silver spunes, and certain pearls upon ane string, with part of lowse pearls in ane pocket." Thereafter the claimants compeared—namely,

[1] The two parts of a buckle.

[2] A gold coin of James III. and IV.

"Elspet Scrymgeour and Robert Wedderburn, younger,[1] now her spouse, for his interest," who alleged that "the rings and pearls perteinit to them. Also compearit James Scrymgeour, tutor to James Rechertson, son and heir to Jacques Rechertson, and allegit the three rings, the aucht silver spunes, and the pearls to pertene to James Rechertson, be reason that they war left to him be his umquhile mother, Katrine Paterson." Then Alexr, desiring to be rid of his charge, "protestit that he be dischargit of this gear, and that he be nae farther callit therefor at the instance of Elspet, nor Robert, nor nane others having interest." As was usual in difficult questions, the Bailies referred the dispute to arbitration, and five persons were chosen by the parties "to decern who to the gear pertenes be maist richt."

The presence of their rapacious "auld enemies" had, no doubt, caused the inhabitants to put away and hide many of their valuables, some of which would be difficult to identify. "John Blak, smyth, grantit that he had ane chenze and ane cross of gold perteining to Margret Wilkeson, of the wecht of twa unce and ane half—as sho alleges—whilk matter is continuit till the morn," when the articles would likely be delivered to Margret. Similarly, at a later time, "Isobell Fothringam grantit her having in keeping ane silver mazer and ane spune, whilk Alexr Carnegy allegit perteinit to Elspet Carnegy." 1551. Dec. 16.

Katrine Bane, having in infancy lost her mother, and believing that she had left certain valuables behind her, on reaching full age, "pursuit William Henderson, [claiming] that he had receivit frae Jonet Quhithed, her mother, in keeping to her behoof, twa silver belts, five silver rings, thrice fifty silver beads, and ane silver whistle—be reason sho wes young and could nocht keep sic gear. Whilk claim William denyit and, for laik of probation, Katrine referrit to his aith. Then William—the grite aith sworn—denyit the points of the claim, and therefore the Bailies absolvit him frae the petition of Katrine."

Clothes were usually fastened by points, either of silk or of more common material, but already buttons of filigree and other fine

[1] This, no doubt, was a son of the Robert Wedderburn who, a few months afterwards, was placed in the Vicarage of St. Mary's Church.

1558-9. Jan 23. work were worn. Isobell Anderson, the relict of James Gibson, baxter, pursued David Ramsay, baxter, for having, "be the space of ane year syne or thereby, receivit frae her, to be halden and lookit upon, four buttons of gold, and wald mak her nae deliverance thereof again, and, as yet, wrangously refuses to do the samin without he be compellit." David alleged "that Isobell offerit to him the buttons for ten shillings, upon whilk condition he receivit them, and that he had offerit her the ten shillings;" but, when this was referred "to his probation, he failit in proving thereof." It is very probable that there had been a passage of courtship between the widow and David, and that she had given him the jewellery as a love token, "to be halden and lookit upon;" but he, after a space, proving faithless, she wanted back her buttons. The Bailies arrived at her view of the transaction; for, having considered "the reasons and allegations of baith the parties, togidder with the depositions of diverse famous witnesses, and therewith being weill and, at length, ripely avisit," they ordained "David to redeliver to Isobell the four buttons of gold as gude as they were the time he receivit them." In another case, Elizabeth Davidson, spouse of Alexr Richardson, mason, sold her buttons to John Flemyng, burgess of Edinburgh, without her husband's authority. On this, Flemyng was called into the Dundee Court and charged with having them improperly in his possession; but "Elizabeth confessit that sho sauld to him the five buttons of gold producit be him this day, and receivit therefor the soum of fifty shillings, and cognost[1] the buttons to be thae whilk sho sauld; whairupon he askit acts." Then she "protestit, nochtwithstanding her confession of the selling of the buttons, that sho suld nocht be halden to warrant him" in their possession.

Here is a claim for the recovery of money and valuables which is disposed of after a long interval. It having been alleged that "in the year 1537, Alexr Paterson receivit frae Alexr Kyd, for sure keeping to his behoof, four score angel nobles, three rose nobles, twa eagle crowns, ane wip[2] of gold, ane signet of gold with ane red stane, and three women's rings of gold without stanes; and mairover, in the year 1545, coft and receivit frae Alexr Kyd the

[1] Recognised. [2] A band or wreath.

half quarter of the ship callit Ye Teman for thirty-one pound fifteen shillings, and made nae payment thereof." And both the parties being now dead, Alexr Kyd, son and heir of the creditor, pursued "Elezabeth Durham, relict of the debtor, and intromissatrix with his guids and gear, for wrangously refusing to mak payment without sho be compellit." Before the Court, Elezabeth and her son "referrit to Alexr's aith the haill contents of the claim, and gif he wes payit of ony soums conteinit thereintil, or had receivit satisfaction therefor ony manner of way, or gif he wes resting awing ony soum whilk may defalk part." And "Alexr declarit his aith that all manner of soums being allowit whilk he had aither receivit or wes resting awing, there as yet rests the soum of twenty-four pound four shillings, and the rose nobles and the eagle crowns. Whilk the Provost and Bailies decern Elezabeth to pay." 1560. Oct. 17.

CHAPTER VI.

ARMS.

Erection of butts for archery—An archery contest—Bows and bowstrings—Artillery and the armament of ships—The arms of fencible men—Swords and armour—Preparing for a wapinschaw—A disturbance at the wapinschaw—Inhabitants called to arms—The "waige of a man of weir."

As we might expect to find, the Court records contain a considerable number of references to the weapons worn by burgesses. The introduction of gunpowder had for some time been making great changes in the system of conducting warfare, and new weapons were slowly coming in the place of the old. In the early part of the sixteenth century, hagbuts or matchlocks—being yet of rude construction—were little used, but by the middle of it, when their manufacture had become improved, and was an industry of some consequence even in Dundee, they had begun to grow in favour. It was long, however, until they came into general use and altogether displaced the primitive bow; for not only were they found to be unhandy in action, but there was some prejudice against them as being unmanly and unfair weapons.

The use of the bow had long been enjoined as an essential part of the national armament. In the middle of the fifteenth century, Parliament ordained "butts to be made at ilk parish kirk, and shooting to be usit ilk Sunday, and ilk man to shoot six shots at the least;"[1] so that all fencible men must have been trained to handling the bow. The butts in archery were formed of a bank of earth covered with turf, of sufficient size to arrest the flight of arrows shot with reasonable accuracy at the mark in front of it. In the old rental roll of the burgh, we are told that "the butts and bounds thereof" were in "the back meadow callit the common meadow"—a

[1] Act Par. II. 48.

position which may be identified as that now occupied by the east end of the High School. The records inform us regarding the construction of these butts. "The Provost and Bailies grantit to Robyn Huyd, to the bigging of the butts, a burgess-ship or five merks of money, the next that there sall be payit to the treasurer,[1] and made at his will." It is somewhat curious to find that the constructor of the butts bore the name of the famous old English outlaw. The designation had, no doubt, been assumed as a convenient one for an expert in archery and woodcraft—it being then common for the leaders of sports and revels, even in Scotland, to use such names. In 1555, when open air diversions were becoming offensive to the growing puritanical spirit, Parliament enacted "that nae manner of person be chosen Robert Hude, nor Lytell John, Abbot of Unreason, Queen of May, nor otherwise; and gif ony chooses sic ane personage, they sall tyne their freedom for five years."[2] 1521. Ap. 4.

Although the Scottish archers were never so famous as those of England, they were expert in the use of the bow, and some of them became champion shots. Lindsay of Pitscottie tells us of a contest in archery, which took place about 1535, between marksmen of both countries, in which the Scots—one of them being from Dundee—were the victors. He says that the English ambassador's followers "war all able and wailled gentlemen for all kind of pastime as shooting, louping, wrastling, running, and casting of the stone. But they war weill assayed in all these or they went home, and that be their awn provocation; and almost ever tint. At the last the King's mother favoured the Inglishmen because sho was the King of Ingland's sister; and therefore sho tuik ane waigeour of archerie upon the Inglishmen's hands, contrair the King, her son, and any half dozen Scottismen, aither noblemen, gentlemen, or yeamans, that so many Inglishmen sould shoot agains them at rivers, butts, or prick-bonnet. The King, hearing of this bonspeill of his mother, was weill content. So thair was laid ane hundred crowns, and ane tun of wine pandit on every side. The ground was chosen in St. Androis; the Scots archers was three landit gentlemen and three yeamans—

[1] That is, Robyn was to get the five merks which fell to be paid for the entry of the next burgess on the roll.

[2] Act Par. II. 500.

to witt, David Weimes of that ilk, David Arnott of that ilk, and Mr John Wedderburne, Vicar of Dundee; the yeamans was John Thomsone in Leith, Stevin Tabroner, and Alexander Baillie, who was ane piper, and shot wondrous near—and [they] wan the waigour from the Inglishmen."[1]

So late as 1548, bows were used in actual warfare at the siege of Broughty Castle, along with fire arms of recent construction such as hagbuts, culverins, demiculverins, sakers, falcons, double basys, and pieces of brass. In January of that year Lord Grey of Wilton makes a report from Newcastle to Protector Somerset, that he "has appointed two ships equipped with soldiers, pikes, and bows to proceed to the relief of Broughty,"[2] then invested by the Earl of Argyle.

Bows were then made in the burgh. I find that, in 1553, "John Ray, bowar [or bowmaker], is in trouble for molesting the bellman," and, some years later, that he himself has been assaulted. Bowstrings appear to have come, in great part, from the Low Countries. Fosbroke says that they were "of hemp mostly, or of flax, or silk, or whipcord." The cost of the best quality was very high. John Bille having purchased a quantity of fine bowstrings from some Dundee merchants, a dispute arose regarding the number and the price, and he referred to David Wedderburn's "aith and his partners how mony wes of the bowstrings, and what price they war sauld at. Wha, sworn, deponit that there wes sixteen hundred bowstrings sauld for twenty pound the hundred. Summa, three hundred and twenty pound." After the price was settled and the money paid, the Admiral made an exaction upon the purchaser for dues which, in right of his office, he claimed upon the strings; and John Bille returned to Court and "desirit allowance to be made on the bowstrings bocht frae David Wedderburn and his colleagues, of forty pounds money allegit payit be him to the Admiral for his admiralte of the bowstrings. The whilk soum the Bailies and the party [sellers] wald nocht allow, because the bowstrings war nocht lawful prize, nor fremit guids,[3] but [formerly] perteinit to friends, burgesses of Danskyne, as their awn proper guids; and David and his colleagues war compellit to pay for

1550. Nov. 10.

[1] Chronicles of Scotland, II., 347.

[2] MS. State Papers Scotland, Edward VI., Vol. III., No. 27.

[3] Goods belonging to unfriends.

them to the factor to the said merchants—efter the tenor of ane testification under the seal of cause of the town of Danskyne." There is not any further notice of the dispute, but it is not likely that John Bille obtained any redress from the importers. The commoner sort of strings were sold at a much cheaper rate than these. In 1552, John Bower, or John the bowmaker, granted "that he bocht sixteen bowstrings for the soum of twenty shillings." These strings had, no doubt, been for furnishing the bows of his own manufacture.

Cannon, under such various names as I have noticed, had long been used in warfare, and also for the armament of merchant ships when adventured in foreign trade. These vessels were always well provided with the means of defence; and were subject, when occasion required, to be requisitioned for national use—as happened at the end of Queen Mary's reign, when three Dundee ships were sent in pursuit of the Earl of Bothwell. In the records we find a number of entries regarding the ownership of a cannon, about which there was a lengthy litigation. "Anent a gun, a piece of artillery, claimit be Wat Chaip," merchant and burgess of Perth, "on James Kynloch, that lay in John Rolland's close; the whilk he alleges he had in Denmark, and that it was tane frae him there," James declared "that he never bocht nor borrowit frae Wat nae time nae kind of artillery, that nor nane other, but that my Lord Crawfurd lent him a piece of artillery, and alleges to my Lord his warrant therefor." Then Wat "grantit that he lent the gun to my Lord of Crawfurd, but alleges, and offers to prove, that he got it again, and that it was therefter two years in his possession." On this, the Bailies fixed a day "for James to bring his warrandice;" and he said that "Gif he produce nocht the warrant as effeirs, he is content that the Bailies tak Wat's proofs to be admitted; and that the piece of artillery is his proper gun." At the time appointed, Lord Crawford's procurator, having "ane sufficient power under my Lord's seal, producit my Lord's warrant to relieve James" of the claim—not, however, "admitting the Provost and Bailies as judges, but as law will." Wat Chaip's pursuit having thus been diverted from James Kynloch to David, ninth Earl of Crawford, it seems to have made almost no further progress. Various procurations were produced on behalf of the Earl, and caution was entered

1521. Dec. 10.

into for his procurator—giving rise to much circumlocution, sundry protests, and many adjournments. At last, a time was set for disposing of the matter; but neither on the first nor the second day was there any appearance made on behalf of the Earl. On the third day, "my Lord's procurator, being thrice callit at the tolbuith door till compear to answer at the instance of Wat Chaip be his bill of ane gun, he compearit nocht nor nane for him. Whairfore he is amerciate for fault of compearance, and doom given thereupon; and the sergeants are charged to warn him" to another court, "with intimation that, whether he compears or nocht, the Provost and Bailies will proceed and minister justice, and give sentence conform." There is nothing further recorded on the matter. Whether James Kynloch had himself taken possession of the gun in Denmark, or had received it from Lord Crawford, is not made clear; but, no doubt, it belonged to Wat Chaip, and it is probable that the Earl's warrant had been interposed for the purpose of interrupting the course of justice. This seems to have been effected, and it is not likely that the Perth burgess succeeded in recovering his gun out of John Rolland's close.

1522. Mar. 26.

1553. Dec. 19. Here is a skipper providing the armament of his ship. "Thomas Cristell, skipper, grantit that he hes bocht and receivit frae John Anderson, mariner, twa pieces of artillery for the soum of eighteen pound, to be payit within fourteen days next efter the hame-coming of David Wedderburn's ship, whairof Thomas is skipper. And failing—as God forbid—of the ship's hame-coming, in that case he binds him to mak payment to John." David Rannald, alias Baxter, got a wright to put a new stock upon a gun, and refused to pay it because he was not owner of the piece. "Anent eight shillings acclaimit be George Fyf agains David for stocking of ane culverin, whilk David allegit wes nocht his, the Bailies assignit a day to him to call his warrant—gif he ony hes." But this he failed to do, and they, finding that "the culverin wes brought to George be David, and tane frae him be David efter sho wes stockit in ane new stock," therefore "decern David to deliver the culverin to George, or else to pay him eight shillings for his labours."

1523 All burgesses were armed with swords, and many held them as family heir-looms. I find several disputes regarding their pos-

session. "David Fleshour grantit that he has a swerd of Thomas Thomson's, the whilk is away frae him, but alleges till a warrant" for its possession. "Lowrance Guthre has tane [a day] to prove James Wedderburn, Bailie, payit of a swerd that he had of his; and failing thairof, to pay him the price that James will prove it was worth." John Bell having died, "his heirs pursuit James Bell of a swerd and a whinger of heirship, and referrit to his aith gif he took them out of the house efter John's decease; and he clengit him of the samin, and [proved] that gear was given him be John's awn hand; whairfore he is made quit." Rob Webster declared "gif ony man pursues ane buckler and swerd whilk Charle Mylne has deliverit in judgement to him," that "he has brocht Andro Fleshour surety to relieve Charle; and Rob, be his hand, is oblist to relieve Andro." "Anent ane swerd acclaimit be George Fyf upon John Fyf, John grantit the swerd, but allegit that stolen; whairfore the judges decern the avail of the swerd to George's probation," and he would, no doubt, recover its value. "The Bailies assoilize John Panton frae the claim of Alexr Scrymgeour anent the swerd and buckler, allegit receivit be John frae him in wed of ane firlot [measure], and that in respect of John's aith given thereupon."

The making of swords appears to have been a considerable industry in Dundee. Mr Warden, in his "Burgh Laws," gives a list of thirty-five master hammermen in 1585, and of these, five are designated "swerd slippers," or grinders of the blades, and two are "gaird makers," or makers of the hilts. The blades would be forged by the ordinary smiths. Here is a sword maker who has been attempting to defraud his creditors. "Hew Lindsay grantit in judgement that he receivit frae George Lovell certain swerd blades extending [in value] to twelve pound ten shillings." But Hew has to make restitution; for, it having been proved that "the swerd blades had been arrestit for a debt of George's, the Bailies decern him to relieve and pay the same." 1556. Ap. 20.

Burgesses were usually in possession of defensive armour of some description. "Henry Dikson is adjudgit to pay John Bennat seventeen shillings ten pence in penny or pennyworth sufficient, togidder with a knapscall[1] as gude as John lent him, or the avail thereof."

[1] A headpiece.

John Fyf alleged that he left in David Drummond's possession, besides some articles of dress, "ane pair of splents,[1] ane sellat,[2] and ane glove of plate;" and this having been "referrit to his aith, he, being sworn, deponit that he deliverit the gear ilk point into David's buith;" wherefore "David is decernit to deliver" the articles "to John, and John to pay four shillings to David for house mail" for storing them. The arms of a deceased burgess went to his heir in heritage. "James Feriar grantit him receivit ane jak of plate,[3] ane knapscall, ane swerd, ane buckler, and ane whinger to the behoof of James Feriar, pupil, son and heir to umquhile John Feriar, litster; to be forthcoming to him at his perfect age." John Pyett, having, apparently, reached manhood, received from David Watson "the guids underwritten, perteining to umquhile Robert Caddel, whilk were intromittit with be David:—That is to say," in addition to certain articles of dress, "ane coat of mailze,[4] ane swerd and ane buckler, ane steel bonnet with ane blue covering, ane kist with lock and key, ane culverin and her flass,[5] and ane crown of the sun." An impecunious baron meanly leaves a friend to pay for his armour. "It is fundin that John Rolland suld answer for the payment of ane jak, extending to thirty shillings, to John Car, as debtor for the Laird of Casses [?]. On this, he allegit that the Laird [should] be callit to free him as his warrant; and there is grantit be the judges twenty-one days to call his warrant." At the expiry of that time, there being no compearance for the Laird, John Rolland is held bound to pay "but ony mair delator of law, for the surety that he became for the jak."

1556-7. Jan. 15.

1523. Ap. 17.

All inhabitants able to carry arms were required to be provided sufficiently, so as to fit them for their duty of defending the commonweal. To enable the magistrates to judge if they were properly equipped, periodic exhibitions or "wapinschawings" were, from an early time, held in some convenient place, at which all were required to attend with their arms of offence and defence. One of these inspections was ordered to be held in Dundee on 12th May, 1522, and I find some of the burgesses making preparations to attend it. Part

[1] Plate armour for the arms or legs.

[2] Or cellat, a steel cap.

[3] Jacks were sometimes of plate and sometimes of chain armour.

[4] Mail.

[5] A gun carriage.

of David Wedderburn's armour had been in pawn, and, a few days before the occasion, he desired the help of the Bailies to enable him to recover it. John Cowper granted before the Court "that he had a cellat and a gorget[1] frae David, in wed of five shillings six pence, and he is ordainit to deliver the samin gear again to David for five shilling six pence incontinent." George Layng also "claimit a cellat and a gorget on Henry Dikson, allegit laid in wed of twenty pence. Henry grantit that he had the cellat and gorget," but asserted that he bought them when George and he "were sitting at the collation togidder. Whairfore it is fundin be ward of Court that he sall incontinent prove the buying of the gear, because they maun be presentit with George at the wapinschawing this day, and failing thereof, to remain in fence till he deliver them for the twenty pence, whilk is in the officer's hands to deliver him." 1522. May 12.

I do not learn where the wapinschaws had been held; but, as neither the meadow beside the mill dam, nor the playfield at the West Port would have been sufficiently large, it is likely that they took place on the Magdalen Geir, which, "past memorie of man," had been a common for the use of the inhabitants. On this occasion a disturbance arose, which Robert Myll—probably he who afterwards took an active part in guiding the town's affairs—was alleged to have originated, by the committal of an unprovoked assault on John Logy; and on this charge—apparently at the instigation of the Provost—he was brought to trial before the magistrates and an assize of twenty-one neighbours. The proceedings are of considerable interest. "In the whilk Court, James Scrymgeour, Constable and Provost of Dundee, in name of our Soverane Lord the King, my Lord Governor, and of this gude town as Provost, pursuit and followit Robert Myll in judgement, and askit him to be accusit.....in the trouble of the wapinschawing. The said Robert, present in judgement, offerit [him] ready till underlie ane sensment[2] of ane assize in the said action and cause before the Bailies; and was accusit of the samin in Court in this manner in writ be the common clerk:—That is to say, 'Robert Myll, I accuse you of the gret and hie, maisterful and wrangous contemption done be you on Mononday bypast, the 12th day of May May 16.

[1] Armour for the throat, usually of chain mail. [2] Judgement.

instant, till our Soverane Lord the King, the Governor, and to the Provost and Bailies of this burgh having commission and power be the authority of our Soverane Lord's letters, proclaimit before be the Sheriff within all the bounds of his office, to tak wapinschawing for the gude and utilite of this realm; [in so far as] in the time when the Bailies was ready to tak wapinschawing, ye there maisterfully and wrangously, in hie contemption of our Soverane Lord and the Bailies using their place and charge, troublit the wapinschawing.' And Robert, being accusit, as said is, denyit clarely the samin in all things. The whilk accusation was [then] put to the determination of the foresaid assize, sworn thereto. And, efter the assize was inclusit, diverse famous witnesses were producit be the Provost for the probation of the matter and accusation contrair Robert—that is to say, John Chesom, John Home, Will Nickerson, John Gagy, Patty Loch, Thomas Blair, Will Cathro, and David Rollok, elder, baith burgesses and other famous persons unsuspect, the whilk deponit—the gret aith sworn before—concordantly in ane voice, that they [were] bystanding in the time of the wapinschawing, and that they wist and knew that Robert Myll, neither in word nor deed, made nae provocation nor trouble to nae person of the wapinschawing all the time thereof, and specially, to John Logy. And that they saw John Logy with ane aix strick cruelly Robert behind his back on the head, he nocht witting thereof, and strak him to the erd, and woundit him therewith in the head cruelly. And when he raise, he wist nocht wha had given him that straik, be his words that he said, 'Allace! wha has strickin me behind my back, I nocht witting of ony evil?' Whairfore the assize, all in ane voice but ony discrepance, fand and deliverit clearly that Robert is quit, clean, clare, and innocent of all trouble of the wapinschawing, and of the accusation in all points that he was accusit of; as is engrossit, and at length, in this act and decreet made thereupon; and this be the mouth of Alexr Lovell, chancellor of the assize."

It was the duty of all fencible men to turn out in their arms when called on for the public service. In 1566, the magistrates ordained that "for obedience of our Soverane Lord and Lady, and fortification of their Highnesses' officers of this burgh—the Provost, Bailies, and

Council thereof—all freemen and unfreemen sall be in readiness boddin in substantious manner with all wapins necessar, at all times when it sall happen the common bell to ring, or otherwise when our Soveranes, or their officers of this burgh hes ado." At different times royal proclamations were issued charging "all and sundry their Majesties' lieges betwix sixty and sixteen, that they, and ilk ane of them, address them to meet their Highnesses weill boddin in feir of weir,[1] and providit to remain [for twenty, or for forty days], and with palyeons [or tents] to lie on the fields." Dunbar, describing such a host says, they were

> "All bodin in feir of weir;
> In jakkis, stryppis, and bonnetis of steil;
> Thair leggis wer chenzed to the heil."

On occasions a certain number of men would be called out, and afterwards allowed "to byde at hame frae the host" on condition that the town paid a sum of money; which was a method devised for recruiting the royal finances. In the event of the levy being called to active service, a number of burgesses would sometimes relieve themselves from personal liability, by providing a proper man as their substitute, and becoming bound for his wages. I find one of the inhabitants objecting to pay the share which fell to him of the cost of a fighting man during the time the English held the town, and threatening those that asked him for it. "Robert Mudy is adjudgit, be depones of famous witnesses, to pay ten shillings till John Ramsay and David Robertson for the sixth part of ane man of weir's waige in the year of God 1548; and James Duncan is become lawborrows for him that John and David sall be harmless and skaithless of him but as law will." 1551. Nov. 27.

[1] Well provided in warlike manner.

CHAPTER VII.

THE RIGHTS AND PROPERTY OF CHILDREN.

Appointment of curators—Heritage and "bairns' part" of goods—The protection of minors from fraud—The board of children—Disputes regarding heirship—Families having two children of the same name—Bargaining with a lawyer for the pursuit of heritage—A mother buying her son's goodwill—The succession to the lands of Ballumby.

In the old burgh the rights of property were secured by well-defined laws, which were guarded by public opinion as being for the common interest; and this was especially the case in regard to property belonging to young persons. In those turbulent and unsettled times, it would frequently happen that a father was taken away before he had made a settlement of his worldly affairs, but a ready system was provided whereby, under the cognisance and authority of the Bailies, curators were appointed to look after the interests of his
1521-3. children. Of this we find a number of instances. "James Rollok, the son and heir of Robert Rollok, and oe[1] to James Rollok," before the Court "constitute of his free will unchoactit,[2] for his gude, Alexr Ogilby, and David Rollok, his father-brother, his curators conjunctly in all actions concerning him, his heritage, and guids, to do for his utilitie and profit till he come to perfect age; and he is sworn that he sall do nae thing but the avise of his curators. And they are sworn to do for his profit in all things." Again, "Thomas Watson, for his gude, utilitie, and profit, of free will unchoact, has create Sir Henry Smyth, chaplain, his curator, till have disposition of the guids perteining, or that may pertene to him till he come to perfect age; and he has sworn the gret aith that he sall nocht do nae thing in disposition of ony of his guids, without the consent of his curator. And Sir Henry is sworn, as use is, to do for Thomas, his cousin, in his

[1] Grandson. [2] Unconstrained.

profit in all things, and in nae disprofit to him." A curator sometimes gives the minor security for his intromissions. "David Donaldson, son and heir of umquhile David Donaldson, be the best and sikkerast form and style usit of law, has constitute and nemit Thomas Petblado, his brother-in-law, his lawful curator, in all things to do and fend and follow for him, his guids, and lands till he come to perfect age; and he is sworn to do nae thing but the counsel and command of his curator, that may be of hurt to his guids and lands. And siclyke, Thomas is sworn that he sall do in all things for the profit of the said bairn, his lands and guids. And for the security of the bairn's guids and profit of his lands, and that they sall be forthcoming to him when he comes to perfect age, Thomas has given possession to [him] of a land perteining to himself in the Cowgait, be charter and possession."

1521. June 17. Here is an act by which certain relatives are appointed guardians of a young woman, with very full and comprehensive powers. "Jonet Spalding, ane of the sisters and heirs of umquhile Thomas Spalding, stablishit in judgement James Scrymgeour, Constable of Dundee, her eme,[1] David Scrymgeour of Fordill, Maister James Scrymgeour, his brother, Wilzam Spalding and his spouse and her sister, Jane Spalding, her procurators conjunctly and severally, in all actions concerning her to fend and to follow, and to do for the gude of her and her lands and guids. In special to cause her to be enterit to part of her lands and annuals that sho is unenterit to, to set her lands whatsumever, lift and raise the mails and profits of the samin, and acquittance to give of the ressait, and to ressave her guids, whose hands that ever they be in till; and to call her creditors or withhalders of her heirship guids, or ony other guids or soums of money in whose hands they are in till, before ony judge or judges spiritual or temporal, day or days, time or place. And sho is sworn to hald firm and stable what they in the premises lead to be done."

The practice within the burgh at this time was, in accordance with the old Scottish law, that the heir, in addition to his heritage, was entitled to an equal share along with the other children in "the bairns' part" of the moveable goods. This was, however, changed in

[1] Uncle.

1562, when the Council, "in consideration that the custom is agains gude law and conscience, ordainit that in time coming all heirs within the town sall be content with their heirship only, without bairns' part of guids, and sall put their bairns' part with the rest of the bairns—conform to the use of other burghs within the realm." It was in accordance with the division enjoined by the earlier law, that, when "the guids of heirship and bairns' part of guids" were withheld from the two orphan children of Robert Fleshour by his brother's widow, she was peremptorily ordained "within eight days to deliver John's guids of heirship perteining to him, as gude as they were receivit, togidder with George's bairns' part of guids conteinit in the testament; and to deliver betwix this and Pashe, John's bairns' part of guids also." Similarly, David Robeson became "bound to deliver to Sande Guthre, the son and heir of umquhile Henry Guthre, seven pound ten shillings for his heirship guids incontinent, and to deliver [to all the three] bairns their bairns' part of guids." Subsequently, however, he effected a compromise of the children's claims; and "producit in Court ane appointment and according made betwix friends of the bairns on the tane part, and himself on the tother, bearing that they dischargit him for twenty-one merks for the bairns' part of guids at the bairns' hands." An uncle of the children protested against this agreement as being "in prejudice of the bairns, and of their cousinance,"[1] and that these friends "had nae power to tyne to the bairns," who ought to "have regress to their bairns' part efter the form of their father's testament."

1522. Dec. 12.

When there was no heritage, an equal division of the bairns' part was made among the children. "The Provost and Bailies causit James Boise to deliver to the tenderast[2] of the kinsmen of umquhile Thomas Rolland's bairns, the sum of forty-eight pound. The whilk was [thereafter] deliverit to the bairns; and the judges and the kinsmen, with the bairns—being six in nowmer—quitclaimit and dischargit James of the said soum and all intromitting therewith, now and for ever."

I find some instances of a child's friends minding their own interests more than they did his. David Duncan having died, leaving

[1] Blood relations. [2] Nearest related.

an only son, James, his widow married Robert Finloson, and soon after the boy found himself in trouble. He claimed to receive his inheritance, but, for answer, Robert appears to have assaulted him and put him out of doors. Then he went before the Bailies, and protested "in judgment that, because he has pursuit his heirship and bairns' part of guids and can nocht get them.....he may have his reasonable sustenance and costs of his mother sen the decease of his father," and as lang, in time coming, as he wants in her default the said guids; and siclyke, the mails of his lands." In answer to this protest, the Bailies ordained Robert to find lawborrows "that James sall be undistroublit of him but as law will," and give surety that he will put the boy "on his expense to ane buird-house till his heirship guids be deliverit him—gif he [Robert] halds them farrar than law will." The mother who, according to the practice then prevailing, possessed no right to any other clothes from her dead husband's estate than those she wore, had induced her son to sell her a gown which formed part of his heirship goods, for forty shillings; but his friends protested that this transaction "oucht nocht to be of force nor strength, because it was done but the avise of his curators, and be compulsion of his mother"—a plea which the Bailies sustained, by ordaining that she "sall pay fifty shillings for her son James' heirship gown, because he micht nocht give it our to her without his curators' consent." Following after this, he appointed procurators "to pursue his mother and gude-father for his guids of heirship and bairns' part of guids being in their hands"—an action in which they had probably been successful. 1522. July 28.

A youth has suffered from the thraldom of a scheming uncle. "John Lowson, the son and heir of whilom James Lowson, compearit in Court, and allegit that he has been thir six years bypast—and his lands and guids—under subjection and thyrdome of his eme, Hector Mechelson; and that his said eme had him till Sanct Androis of late, and compellit him to mak a curator till him, and to discharge Hector of his heirship and mails of his lands, whilk he has intromittit with in times bypast, and nae compt made till him nor his friends thereof. The whilk making of curatory and all other things that he seducit him to mak before ane incompetent judge, he revokes and renounces. 1521. Ap. 12.

Efter the revocation, John made his alia,[1] John Lowson, his curator, and band himself be the faith of his body till use, raise, nor tak up, nor analy,[2] nor put away ony of his lands or guids but with the avise" of his curator; who "is sworn to keep lawte[3] and faith, and do for the chield's[4] gude and welfare." Another has been defrauded by a grasping brother-in-law who had taken charge of his lands.

1522-3. Feb. 9. "David Ellese, the son and heir of umquhile Robert Ellese, stablist in judgment Mechell Anderson his procurator to pursue James Ingrham, his brother-in-law, of all terms mails that come of his land that he has occupeit this nine or ten years bygane." At a later court, Mechell declared "that the time he took the office on him for David, the Provost gert him swear to be lele and true procurator anent the profit of his land and byrunning mails, contrair James;" and that he now finds "that, be collusion, James has contravenit David, getting his land frae him, but his consent, within the half just price, nocht-withstanding" that he, Mechell, "offerit to get him forty merks [more] for it." Wherefore, he protested that David "have regress to the land in time to come." A third, has been compelled by an

1560. Oct. 23. unnatural father to renounce his heritage. "Compearit John Lowell, son lawful to John Lowell, and made revocation of all renunciations, resignations, or dispositions made be him in ony time bygane of his lands and heritage to whatsomever person or persons; and this because he alleges the same wes done—gif there wes ony—in his minority and less age to his hurt, and also that [he] wes compellit thereto be his father for fear of his life."

1555-6. Feb. 3. Marion Dog and Maister Thomas Quhytlok came into Court, and "grant them to have in keeping the soum of ane hundred merks, left in legacy be umquhile Patrik Duncan, skipper, to Elesabeth, his dochter. Whilk soum they bind them to pay betwix this and the feast of Midsummer callit the Nativity of Sanct John, but ony farther delay, all fraud and guile secludit and away put." Elesabeth had lived with Marion after her father's death, and she bound herself to repay the cost of her board up to the time the legacy came into Marion's hands:—"I, Elesabeth Duncan, with consent of friends, bind me, my heirs, and assignees to content and pay to the said Marion for

[1] Friend. [2] Alienate. [3] Legal course. [4] Young man's.

twa years buird whilk I wes in buirding before [she] receivit the soum above written."

I find a few particulars regarding the cost of bringing up children. "Ann Huntar is adjudgit to pay four shillings to John Sanders for her bairn fostering, within term of law, and Robert Seres, younger, is surety therefor." Robert Seres, who appears to have had an interest in Ann's child, was son of the town clerk, and himself afterwards occupied that office. "John Neisch hes renuncit and given our the pursuit of Alexr Watson for a bairn's buird"—probably for a year—"of a boll of meal, three creels of coals, and a firlot of groats that he had him summonit for to Sanct Androis, because he referrit it to Alexr's aith and he purgit him thereof." Wat Nicholson "is adjudgit to pay Silvester, his brother, three shillings of silver for a cradle, within term of law."

1521-2. Jan. 4.

Some of the disputes regarding the inheritance of children have points of interest. Rechert of Barry raised an action "contrair the executors of Maukyn of Fawnys, his mother, requiring them to free [for his behoof] a piece of silver of Rechert's allegit heirship, with other guids of umquhile his mother." In the scarcity of money of high value uncoined bullion was a convenient circulating medium and this piece of silver had already been lodged in security for rent. To provide for carrying out Rechert's request, the Court "causit James of Kynloch, William Gray, merchant, and Robert of Seres, elder, to be sworn to prize a silver piece that whilom Maukyn of Fawnys deliverit to Sir Hew Lawson, collector till Andro Barry, younger, of his mails and annuals, in pledge of five pound six shillings of byrunning mail; the whilk piece has been jornayit,[1] as use is, diverse and mony times; and they prizit the unce of it to fourteen shillings. Then the Bailie causit it to be weighit, and it weighs eight unce and a half and the third part of a quarter." At a later court Sir Andro Barry, one of the executors, "took exception agains the claim of Rechert, and alleged that he ought nocht to claim heirship of his mother but gif he had letters of the King's Chapel" or Chancery; "but Rechert allegit that because his mother took heirship, sho ought to give heirship. Then, the parties being removit, the

[1] Circulated.

Court wardit Sir Andro's exceptions of nae avail." Thereafter, "the debate of heirship guids, baith of Rechert's father and mother," was left "to the counsel and deliverance of Maister Robert of Monorgond and Andro Barry for Rechert, and the Vicar of Dundee and Maister Patre Blair for the executors;" and they were "sworn to deliver in the debate or Sunday at the sun ganging to rest." About the same date there is another instance of a piece of uncoined silver being used as money. Robert Halis pursued John Wilkeson and Henry Rechertson and their wives for the half value of "a piece of silver and of ane trein[1] bed whilk, he alleges, pertene to him be the decease of Maister Henry Barry, and whilk, John and Henry allege, are heirship guids of umquhile Henry Makison, and that they receivit them from his heirship." After various adjournments, the decision "in the action pursuit be Robert Halis of a half silver piece and a half bed of tree, for waikness of Court" is continued "to the next lawful day efter the Provost's hame-coming;" at which time the Court, having heard "the probation of Robert and the depones of diverse famous witnesses, has fundin that he has clearly provit the half piece, and a part clearly of the proof of the bed," and adjudges the defenders "to pay three pound eight pence," as the value "of the half piece of silver, to Robert as perteining to him of heirship."

1521. Nov. 13. An assize "found twa Jonet Retres, sisters, heirs, be our Soverane Lord's brief, till umquhile Alexr Retre, their father-brother, of the land lying on the west side of the Castle burn, the whilk he dwelt intil;" and "servit all the points, excepting [that] they found the land full be conjunct feftment of Cristiane Galloway, the relict of umquhile Alexr. Be other briefs, they also found the said sisters heirs of umquhile John Retre, their brother, to the heirship guids that he was in possession of." The uncle's widow had married again, and she and her husband not only occupied the house, but withheld its titles, and also the furniture, from the sisters; so "Jonet Retre, elder, with her spouse, and Jonet Retre, younger, her sister, constitute procurators to fend and follow in judgment or utoth,[2] and in special till pursue their guids of heirship frae Cristiane Galloway;" giving them "power to win and tyne." At a later Court the procurators

[1] Wooden. [2] In Court or outwith.

obtained a decree calling upon Cristiane and her spouse to compear the following week, "and Cristiane either to deliver the evidents to the heirs, or shaw ane reasonable cause whairfore sho suld nocht deliver them."

It is rather curious to find that both these sisters had the same Christian name. Probably they had been twins—a surmise which seems confirmed by the Chancery briefs declaring them to be joint heirs to their relatives. There are similar instances of brothers having been named alike. In 1522, "Andro Sowtar, younger," claimed "a doublet of say,[1] puindit four years sensyne for six shillings awing till his brother, Andro Sowtar, elder; and Andro Sowtar, elder, offerit to bring the doublet in fifteen days as gude again, and failing thereof, his brother to give him the six shillings and prove the avail of the doublet," and he would pay it. At the adjourned Court the doublet was not produced, but an "officer deponit" that, at the time "it was laid in wed, he prizit it at six shillings; and sae" the elder brother "is made quit of the doublet and all claim of it." In 1554, there is another instance. "John Hutone, elder, confessit him caution and debtor for John Hutone, younger, his brother, to mak payment to William Kyd of fourteen shillings six pence at the feast of Fasterns even next to come."

Here is an instance of a lawyer undertaking the recovery of heirship on condition that he would only obtain payment in the event of success. "Marion Small, the spouse of Alexr Haw, in the absence of Alexr—the grite aith sworn—deponit that sho was nocht compellit nor choact to the gift of assignation" she was about to make. "And thereafter, with the consent and assent of her spouse, sho freely gave our and transferrit to Thomas Blair, burgess of Dundee, her lawful assignee, cessioner, and procurator, all and sundry the guids of heirship, bairns' part, testit guids, soums of money, lands, and annual rents perteining, or that may pertene to her be the decease of her father, George Small in Fotheringame, or mother, and intromittit with be Robert Small there, her brother, or her sisters;" and Marion and her spouse appointed "procurators to act them in the official bukes of Sanct Androis for the observing and keeping of the samin

1522-3. Jan. 22.

[1] A description of thin woollen cloth.

under the pains of cursing, and for the soum of two hundred merks gif they come in the contrair thereof, and also for submitting them to the jurisdiction of Sanct Androis hereintil." And Thomas Blair became bound "to pursue the cause and do exact diligence thereintil before judges competent, and what he obtenes, Marion and Alexr sall have the tane half thereof—they paying him the half of the expenses that he maks thereupon. And gif there beis nae thing obteinit, he to tyne his expenses that he happens to mak on the pursuit." Thomas advanced to Marion and Alexr twenty shillings "in onwait;" and they became bound that this "sall be allowit in their half being obteinit;" and if they obtain nothing that they will repay it. And both the parties "has bunden them be the faith of their bodies, and be their hands uphalden" to fulfil the conditions.

1555-6. Mar. 9 We have here a curious instance of a mother buying the goodwill and obedience of her son. "William Portare, burgess of Dundee, in presence of Robert Mylne, Bailie, grantit him have receivit frae the hands of his mother, Malkyn Rolland, ane stik[1] of russat claith, and ane stik of cour-du-roye; for the whilk he band him never to seek nor crave nae manner of money, gear, nor guids frae her, but induring her awn will; and also grantit him straitly bunden be the extension of his right hand, never to molest nor trouble his mother, but to be unto her ane loving son and obedient—like as he ought and sould be—what hour or time that sho pleases charge him thereto." And, in the presence of witnesses, he offered himself "content that this be insert in the Court buke, and have the strength of ane act."

During the latter half of the sixteenth century, the Lovells of Ballumby distinguished themselves as the most turbulent and lawless barons in southern Angus. Not only were they bad neighbours, but, for several generations, they lived in almost continual strife among themselves, and, on more than one occasion, we find a father's bitter enmity leading him to make endeavours to disinherit his son. Sir Henrie, who died about 1563, some time before his death became reconciled to his son, Henrie, and, apparently as a mark of favour, put him into actual possession of the lands, by giving him seising thereof. Another quarrel had, however, soon ensued, and the baron refused to

[1] Piece.

ratify this possession by making out a formal charter. We get these particulars, and also some curious details regarding two blank parchments with notarial sign and subscription—presumably intended to be used for containing the desired writings—in the declaration of a Dundee notary on his death-bed, produced in the Burgh Court by some of Lovell's relatives:—

1565. Aug. 18. Before James Lovell, Bailie, "Thomas Ogilby, Henrie Lowell, and John Lowell, older, witnesses, [deponed that] Maister Thomas Bacheler, notare publict, being heavilie vexit with infirmity and sickness, and yet able of mind and knowledge, in his latter will declarit upon his conscience that Henrie Lowell of Ballumby causit and compellit him, be the space of twa years sensyne, in his awn chalmer in Ballumby, to subscryve, under his notare sign and subscription, twa grite blanks of parchment whilk Henrie took frae him; and that he did the samin for fear of his life; and also Maister Thomas declarit that he immediately, how soon he gat furth of Henrie's hands, past to the Vicar of Morhouse,[1] notare publict, and made to him declaration thereof, and revokit the samin, and took instruments thereupon in the said Vicar's hands. And now, Maister Thomas made revocation of the twa blanks, and of his concience made true declaration anent the making thereof, [and] presently revokes, and declares to be false and fenzeit all instruments ever given out be him in ony time, to whatsumever person or persons, whilk conteins nocht the hail bodie thereof as weill written with his awn hand as the subscription thereof. And mairover, Maister Thomas declarit that umquhile Sir Henrie Lowell of Ballumby, knight, with his awn hand, be gift of erd and stane, gave stait and seising of all his lands and fishings to the said Henrie Lowell, now of Ballumby; and that, shortly therefter, umquhile Sir Henrie gave express command to Maister Thomas never to put the said instrument in form, but said, He wald have the samin casseit[2] and annullit, 'for God maks amends.' Upon the whilk premises, the aforesaid Henrie Lowell askit acts and instruments."

[1] The church and manse of Murroes are within a short distance of Ballumby.

[2] Cancelled.

CHAPTER VIII.

THE SOCIAL POSITION OF WOMEN.

Restrictions upon a woman's choice of a husband—An apprentice prohibited from marrying without consent of his craft—A marriage contract—"Tocher-guid"—Hand-fasting—Enforced marriages—Divorce—A wife's right of property—Prodigal wives—A woman of dissipated habits—Profligate neighbours—Unchastity and immorality.

In these old records there are a number of entries which throw some light upon the social position which women then occupied, upon the usages and customs connected with their marriages, and upon their condition as wives. The age of chivalry in which ladies were held in high, although fantastically sentimental and hardly real regard, had almost come to an end, and the better season wherein both sexes were to recognise and value the nobler womanly gifts and graces, was yet a long way off. We can scarcely be said to have arrived at that time even now, but the period of the Reformation was remote from it. Circumstances were unfavourable for the development of the higher qualities of woman; for education, although it was becoming more general, had hardly reached them, had, indeed, hardly yet been intended to reach them; and they, mostly ignorant, uncultured, and surrounded by the rudest conditions, could not be expected to show much refinement of manner or delicacy of feeling. The elevating influences which naturally surround a woman, were usually presented in their less noble aspect, and she herself—not yet recognised as the equal of man—was restrained in the exercise of what are now held to be her natural rights.

In choosing a husband a woman, if possessed of property, was altogether subjected to the opinion and direction of her friends. Here is a maiden binding herself under heavy penalties, including the pains of cursing, not to marry without the consent of her aunt.

1523. Ap. 17.

"Esabell Anderson, the dochter of umquhile Henry Anderson, burgess of Dundee, has come in judgment, and—the gret aith sworn that sho is nocht compellit nor choact be ony manner of person, but of her free will and for her utilitie and seen profit—does this as follows:—That is to say, sho maks and constitutes ane honourable woman, Esabell Rollok, her mother-sister, her procurator and assignee to receive and obtene all and sindry her guids, soums of money, and annual-rents perteining or that may pertene to her, till her utilitie and profit furthcoming; and, in special, the money and guids perteining to her being in the Earl of Athol's hands; ay and quhil sho be marriet, the whilk marriage sall be at the will of Esabell Rollok. And gif that sho breks this and marries but her consent, sho grants [discharge] and, be this act, discharges and quit-claims all guids and soums of money being in Esabell's hands, or that sho happens to obtene and recover in the law and by the law; and, in this case, maks David Rollok, Sir Henry Cant, and Maister Martyne Balfour her procurators, giving them power to act her in the official's bukes, or his substitute, of Brechyn under the pains of cursing; promitting and oblissing her be the faith of her body, to hald firm and stable what the said procurators do in her name in the premises." Similarly, we find a mother retaining possession of her daughter's tocher until she marries with her friends' consent. "Elene Lawson, the spouse of [umquhile] David Wedderburn in the Murraygait,[1] actit herself to pay to Magdalene, her dochter, the soum of four hundred merks, and that in complete satisfaction and payment of all manner of legacies, bairns' part of guids, and others whatsumever whilk pertenes or may pertene to her be the decease of David, her father; and this to be payit how soon Magdalene's friends think expedient that sho be marriet to ane partie agreeable." 1559. Ap. 3.

Not only were young women, in venturing on this important step, often subjected to the authority of their friends, but, by the laws of the burgh, apprentices were prohibited from taking wives unless with the approval of their craft. In 1534, David Ogilvy, a young baxter, having, against the acts "of the craft, and without their licence or consent, marryit and tane ane wife within the time of his prentice-

[1] His house was on the south side, near old St. Paul's Church.

ship," when he had "been short while thereat, and is nocht expert to serve our Soverane Lord's lieges," they expelled him from his service and craft, and "he hes tynt his freedom." The young man was not content at being thus thrust out, and, probably having good friends, "he purchest our Soverane Lord's private writing and letters—be sinister and wrang information," as the baxters alleged—charging the Provost and Bailies of Dundee to admit him to his freedom, and cause the baxters "receive him to have fallowship, as ony other man hes within the burgh, nochtwithstanding that he be marryit within his prenticeship;" and decerning that he will suffer sufficient punishment if his term of apprenticeship be prolonged for the space of one month. James V. was then in ardent pursuit of the Princess Magdalene, daughter of the King of France, his first wife, and this, probably, induced a fellow feeling in his mind which made him favourably disposed toward the young and imprudent baxter. The craft, on receiving the charge, also "purchest letters" calling on David "to produce his letters, to be seen and considerit gif they be ordourly proceedit and of true narration," before the recently instituted Court of Session. On the 20th May, "baith the parties being personally present, the Lords of Counsale," having considered the matter, confirmed the terms of the royal letters; and, in respect that "the King's Grace hes dispensit with David using the freedom of baxtership ane month after the outrynning of his prenticeship," they decerned the act to be of force, as being what "his Hieness may do of his authority royal."[1]

Here are the principal points in the marriage contract between the daughter of John Wedderdurn and the son of a Fifeshire laird. Although the Reformation had been accomplished for nine years, this contract informs us that the saints' days were yet used as terms, and that the old custom of making appointments in the parish Church was still continued. Of course there was now no high altar at which to reckon the money, but provision was made that this should be done beside the pulpit—the only remaining central place within the edifice.

1569. Ap. 13. "It is appointed, agreeit, and finally contractit betwix honourable parties—thai are to say, Andro Auchterlounie in Bairnzaird and

[1] MS. Actā Dominorum Concilii et Sessionis, vol. IV., fol. 152.

Alexander Auchterlounie, his son and apparent heir, on the ane part, and John Wedderburn, burgess of Dundee, and Cristiane, his lawful dochter gotten betwix him and umquhile Agnes Hoppringill, his spouse, on the other part, in manner, form, and effect as efter follows:—That is to say, Alexander sall, God willing, marry and tak to his spousit wife, and complete and solemnise all the band of matrimony with her in face of God's congregation, in all gudlie haste;" and he and his father shall infeft himself and Cristiane, "and the heirs lawfully to be gotten betwix them," in "ane annual-rent of thretty-five bolls bear, and thretty bolls gude and sufficient corn,[1] to be taken furth of the lands of William Cunningham of Kingis Barnis," and "deliverit at the town of Crail yearly, betwix the feast of the Nativity of Our Lord callit Yuill and the Purification of Our Lady callit Candlemas.....or, gif John Wedderburn pleases, sall infeft Cristiane in her pure virginitie, in life-rent of all the foresaid annual rent." And John Wedderburn becomes bound to pay Alexander "the soum of five hundred merks gude and usual money, in name of tocher, at the terms following:—That is to say, ane hundred merks worth of plenishing of household gear, immediately at the completing of the marriage, furth of his house;" for "ane other hundred merks thereof, [he] sall instantly infeft Alexander and Cristiane in all and haill that lodging of [his] northmaist land whilk is occupeit be Malkine Spalding, relict of umquhile James Green, conteining ane hall, ane chalmer, ane loft, and ane cellar, lying in the west side of the kirk-yaird of Dundee;"[2] or, in place thereof, shall pay "the soum of ane hundred merks in the paroch Kirk of the burgh, beside the pulpeit thereof, and upon the premonition of forty days;" and he shall pay the three hundred merks at the feast of Martimas next; or, "failing payment, oblisses himself to infeft Alexander and Cristiane in an annual-rent of twenty pounds, to be upliftit furth of his best lands; and, till the money be paid, or the infeftment be made, he sall uphald

[1] The payment of the thirty bolls corn is subsequently referred to in the contract as "The Cheritie." It had probably been an old endowment, devised in charity to the Church of Crail, for the weal of the souls of some of Auchterlonie's ancestors, and now, on the accomplishment of the Reformation, recovered for the corporeal use of the family.

[2] John Wedderburn's house was on the north side of the Flucargait, on the west of the Church.

and sustene Alexander and Cristiane in all necessarie burdens with himself in the house." He also becomes bound, in case of the death of Alexander, "to pay to the lawful bairns gotten betwix him and Cristiane, the soum of ane hundred merks for their uphald and sustentation." Each of the parties to the contract subscribes "with my hand," except the bridegroom's father, who does it "with my hand at ye pen led be Alexander Wedderburn," town clerk.

1555-6. Feb. 15. This is how the tocher of parties living to landward was to be paid. "James Henrysone dwelling in Lyf[1] and Margret Abercromie, his spouse, act them in the Court buke of this burgh—submitting them to the jurisdiction of the Provost and Bailies and renouncing their awn in this case—for payment of the soum of seventy merks to John Nichol, dwelling in the town of Inchmartyne,[2] at thir terms following:—Twenty pounds within ane year and day, twenty pounds within two years, and the odd ten merks" within three years, "in complete payment of the haill soum in name of tocher-guid, and for marrying and taking to wife of Jonet Robertson, dochter of Margret Abercromie" by a former husband. "And in case James Henrysone inlaik[3] within the three years, in that case Margret is bound be her hand and truth, to tak the debt upon her and relieve his gear."

1520. Dec. 10 James Quhitson appears to have been shabbily used about his wife's dowry, for when he came before the Court and "pursuit John Duncan, his "gude-father"—who lived to landward—"for forty-four shillings of tocher-guid, and allegit that it was promittit be faith of body to him, John declinit the judges, and offerit him to answer as law will before his judge competent"—thus withdrawing himself from the Bailie's jurisdiction. In another similar instance, James Gibson judiciously compromised his claim, and agreed "in judgment to discharge all contract and band of marriage gear made to him be Robert Lowson, for the soum of ten pounds, to be payit at thir terms—namely, five pounds at the Nativity of Our Lady callit the Letter Fair,[4] and the other five pounds at Uphalymes[5] next, in complete payment of all debates." In a case where the newly-married pair

[1] A village three miles west from Dundee.
[2] An estate in the Carse of Gowrie.
[3] Die.
[4] September 8th.
[5] Jan. 7th, the day after the Yule holidays.

had contracted to pay a sum of money to a friend of the lady, the Bailies ordain "Stevin Constable and Jonet Lorine, his spouse, to pay to Thomas Mudy the soum of thirty-six merks, in part payment of ane contract of marriage made betwix Stevin and Jonet and the said Thomas, in respect of their confession made in judgment."

Marriage was held by the old Church to be one of the sacraments, and irrevocable, but a temporary bond which hardly had canonical sanction, was at this time not uncommon in Scotland. This, which was called hand-fasting, bore to be a betrothal or contract to marry; but, in effect, was an agreement between the parties to live together either for a fixed, or for an indefinite but terminable time. Sir Walter Scott says that the custom arose in the south, partly from the want of priests. But there was certainly no scarcity of priests in Dundee, where I find that the practice prevailed. "It is fundin be proofs admittit, that Wat Aldcorn suld buird John Wallace till he be hand-fast with a wife, at meat and drink, noon and even, for twelve merks; of the whilk there is six merks payit, and the other six merks to be payit at the hand-fasting of John." 1522. Dec. 10.

After the Reformation of the Church was effected, public feeling became quickened against the impolicy and immorality of such unions, and measures were taken for prevailing upon and enforcing those who had irregularly joined themselves by hand-fasting, to become permanently united in lawful bonds with the sanction of the Church. "Compearit John Ray and oblist him to marry his wife upon Sunday next to come; for the whilk cause the Bailies promittit to do John justice with expedition in all actions concerning him, movit or to be movit before them. Whereupon John askit acts of court"—thus securing proof of their good intentions before he made the venture. At the same time, "James Rollok hes become actit caution and surety that Robert Man sall complete the band of matrimony with [ ] betwix and Trinitie Sunday next, or else incur the danger conteinit in the acts." Justice was, however, hardly done in the case of another man who married, but not the woman with whom he had been cohabiting. "The Provost and Bailies sitting in judgment, ordain Jonet Myln, sometime ye concubyne of William Welsh, to be banishit out of this burgh for ever, 1560. May 21.

and that because it wes proven that sho socht the company of William, he now being marreit."

Marriage feasts at this time were often conducted on a very costly scale. I find David Spens testifying, in 1552, "that he receivit twenty-six shillings whilk he confessit that he wairit upon wild meat, whilk wes sent till Andro Mylne's bridal, and at Andro's command"—a sum which would purchase a considerable quantity of venison, and indicates that this feast had been very profuse. After the rule of the old Church had ended, austere measures were taken for restricting the cost of such entertainments, which was often beyond the means of the parties, and for suppressing the junketings and revelry which sometimes overflowed into the street, and was reckoned unseemly and offensive by the city fathers. In 1568, the Council enacted, "for eschewing of tumult, sedition, drinking, and other uncumly insolence and wantonness, that nae persons pretend to come furth of their awn ludging with minstrels, or with ony other manner of way, efter nine hours at nicht, to use ony kind of dancing, drinking, playing, or sic vain exercise, under the pain of the breking of the minstrel's instruments, and their own persons to be imprisonit, and nocht to depart until they pay twenty shillings to the puir."

Although divorce was prohibited by the canon law of the old Church, a method was usually to be found by which marriages could be dissolved; and it was not until after the time of the Reformation that the law was made rigid and absolute, so that no divorce was obtainable unless by Papal dispensation. I find a curious agreement made in the Dundee Burgh Court by which a wife, in return for a sum of money and a new dress, gives her husband licence to marry again, and agrees to afford him all facility for obtaining a divorce. "Robert Thomson alias Smyth, dwelling in Elsynour in Denmark"—where, as we have seen, a number of Scotsmen from Angus were located, one of them being burgomaster—represented by his friend "Jonkyne Davidson alias Smyth,[1] burgess of this burgh, on the tane part, and

1556 July 4.

[1] Jonkyne or little John, the son of David, was a smith, and his surname had evidently been in process of development, for it is alternately written Davidson alias Smyth, and Smyth alias Davidson. No doubt he became the progenitor of one line of Smiths. At a later time we find him making assythment for having slain an adversary.

Jonet Gilchrist, allegit spouse to Robert, on the tother part, baith personally present, producit ane contract made betwix them in form of instrument under the signe and subscription of Henry Richardson, notar, and desirit it to be registrate in the Court buke. The whilk desire the Bailies thocht reasonable, and therfore ordain the contract to be registrate, and to have the strength of ane decreet and act of our Court. And baith the parties, be extension of their right hands bind and act them for to fulfil the contract in all points; and because Jonet dwells nocht within our waird," (having probably lived to landward), "sho hes submittit her in this case to the jurisdiction of the Provost and Bailies, and renounces her awn jurisdiction. Therfore we, judges, ordain executorials to be raisit, and officers to pass and poind aither of the parties sae oft as need requires. Of the whilk contract the tenor follows:—'Jonet Gilchrist, of her free motive will, uncompellit nor coactit, hes freely given and gives licence to Robert Thomson alias Smyth, burgess of Elsynour, to use his body and dispone thereupon as himself pleases, to marry or to live chaste as he sall think expedient, and never to trouble nor inquiet [him] in his body or guids, before ony judge spiritual or temporal within this realm or without, be herself nor nane other mid person; for the whilk licence, Jonkyne Smith alias Davidson, binds and oblissis him to pay to Jonet the soum of forty pounds, with ane stand of clething—that is to say, twenty pounds betwix this and Mertymes next, and the other twenty pounds [before] the first day of July 1557. And Jonet, be the tenor of thir presents, consents to the divorcement to be led be order of holy Kirk betwix her and Robert, so that the said Robert find the cause, and mak the expenses thairupon; and is content, and sall find surety that sho sall never come in contrair of this divorcement, nor uptak nor receive penny money frae Jonkyne till the said surety be fundin.'"

The law then, as now, required, as we have noticed, that a wife, when consenting to the disposal of property belonging to herself, should be removed from the influence of her husband. Here is an instance of this. "Compearit in judgment Cristane Ramsay, spouse of Alexr Michelson, burgess of this burgh, by[1] the presence of her 1556-7. Mar. 15.

[1] Without.

spouse, and gave her bodily aith—the haly Evangels touchit—that sho wes nocht compellit nor coactit to mak renunciation of the quarter lands underwritten, and that sho suld never contravene the samin in judgment nor utouth,[1] under the pain of perjurie, infamie, and violation of her faith. And thairefter Cristane, with consent of her spouse, renouncit her life-rent sho had of the quarter lands lying upon the east side of the burn of Morroiss,[2] in the barony of Annarite[3] and Sheriffdom of Forfar, with all seisings, richt, title, and interest sho hes, had, or may have thereto for ever." The lands had been sold to Henry Lovell of Ballumby, and after the wife's demission, he "askit act."

Not only, as we have seen, was a wife held to have no right of property in other clothes than those she wore, but her power to dispose of them even by will appears to have been questioned.

1521. Oct. 15. "Thomas Lorymar being claimit by James Smyth for the abulzement of Thomas' [umquhile] wife, Kaity Ramsay—promittit till James' wife, her dochter—he protestit that he fall nocht in pley in this Court, alleging that the claim being on testit guids," or goods left by testament, the Bailies were not competent to deal with it. To this, James "allegit that Thomas had [already] enterit in pley, and ought till underlie law in this Court." And the Bailies assigned a day "to baith the parties till answer till other as law will." At the adjourned Court, "the claim of James, for his wife, of the abulzement of her mother, whilk suld have proceeded this day, is continuit till the morn in hoip of concord;" and we may conclude that a compromise was then effected. When David Clark's wife died, he found that she and her friends had somehow disposed of her clothes and property without his knowledge, and he raised an action "contrair Thom Matho, alleging that he and his wife," (probably a daughter of the deceased), "intromittit with David's guids left be his wife efter her decease:—That is to say, twenty-four pound of money, serks, linen claith, kirtles, gowns, russat claith unshapen, and gold and other gear. The claim was aluterly referrit to Thom's aith, and he, avising ripely, deponit that he nor his wife nor bairns nor nane of his behalf intromittit with ony of the guids, neither part nor all, nor come never

[1] In the Court nor outwith. [2] Murroes. [3] Inverarity.

nane thereof till ony of their behalf nor profit; whairfore the judges has made him quit of the claim."

Already the prodigal behaviour of women was causing trouble in the household. I find one man compelled to what is now described as the crying down a wife's credit. "Thom Reche publishit in judgment that his wife has hereit[1] him through putting away of his gear, and wedsetting thereof; and he disowns her deeds in time to come, and maks intimation that nae person intromit with his gear through her sauld or wedset, whilk gif they do, he protests that he have it again but ony cost or payment, according to justice." Investigation was made as to where some of the poor man's gear had gone, and "Meg Seres grantit that sho has a belt of silver, allegit in wed for mair nor six shillings, (and sho has tane to prove what it is mair), a pot in wed of six shillings, a pair of beads, twelve pence, four ells of hardyn, three shillings, three hesps of yarn, twelve pence, and a curch in wed of twelve pence." She also granted that she has the ten pecks of malt claimed, but that nine of them are in wed for nine shillings. At a later court, Robert Seres, the town clerk, "procurator for Meg, grantit an he prove nocht the morn that certain rings war laid in wed be Thom Reche's wife of her awn to Meg Seres, and that Meg quit out thae rings with the ten pecks of malt that sho got[2] [from Thom's wife], that sho be adjudgit in the malt." He was, however, unable to prove the transaction with the rings, and the Bailies "adjudgit Meg to deliver free till Thom the hardyn claith, the linen curch, and the pot that was in wed, because they are fundin free be the payment of the ten pecks of malt." Another man gives warning of his mother's incapacity for doing business. "Maister James Matland compearit in Court, and openly showit how his mother, Jonet Grenlaw, is ane unhable woman to buy or sell with ony manner of person, or till analy[3] ony manner of land, annual, or other guids movable or immovable. And, gif ony manner of person buy or sell with her in time to come, he protests that it be of nae avail because of her inhabilitie, and that it turn him nocht, nor yet nane other, to prejudice. Considering them it may concern, this is openly made in judgment."

1522-3. Mar. 23.

[1] Plundered. [2] That is, restored the rings and received the malt in place of them. [3] Alienate.

Although what has been called the national beverage of Scotland had not yet begun to do its evil work, other sorts of liquor were already making some degraded victims. Here is a bargain made in
1560. May 13. Court with a woman of drunken habits. "Compearit Maryoun Maidlen and John Spence, [her spouse], and actit themselves to sustene Agnes Maidlen, her sister, in all things necessar for her sustentation, claithing, bedding, and weshing of her claiths as effeirs, during all the space of her lifetime; and charge her with nae other service but as herself pleases to mak; providing that sho pass nocht furth of the house to ony hostler house, nor keep company with nane in drinking and eating but only in John Spence's house." Apparently Agnes soon failed in carrying out her part of the bargain, and was tempted to a tavern, for, within a few days, we find her brother-in-law going to one, presumably in search of her, and violently assaulting the landlord. Thereafter he is convicted by the Bailies "for the drawing of ane whinger and committing of troublance agains Andro Watson, stabler, and is adjudgit to have incurrit the pains conteinit in the acts."

We have here an instance of the unwisdom of interfering in a quarrel between man and wife. "Anent the bill of stroublance given in be Besse Scott, spouse of John Ogilvy, upon James Watson, burgess, the Bailies hes examinit Besse's witnesses and hes absolvit, James simpliciter of the stroublance; because the witnesses, sworn, deponit that it wes her awn husband that strack her, and James Watson [only] red her away from him." A quarrel between wives usually involved their husbands and households. "Henry Rechertson, for him, his wife, bairns, and servants, and siclyke, Lowre Johnson, for him, his wife, bairns, and servants, hes promittit and oblist them that an ony of them provoke other in time to come with words of defamation or stroublance, the faltour sall pay half a stane of wax till Our Lady licht."

1550. Oct. 14. This is how an objectionable couple is got rid of. "Alexr Clerke and Elesabeth Stevinsone being banishit this burgh for their demerits —pykrye,[1] and reset, and grite sumptuous spending be nicht—hes contemptuously come to the town, contrair the statutes; whairfore

[1] Pilfering.

they are adjudgit—Sande Clerke to be nailit to the trone[1] be the ear, and Elesabeth brunt upon the cheek, and banishit upon new again for all the days of their life. And gif ever they be fund within this burgh, or ony of them, to thole the deid[2] conform to the Acts of Parliament." Another is warned to be careful, and to keep the authorities informed regarding the movements of lawless persons. "The Bailies hes put inhibition to John Carneil and his wife of all intromissions with stragglers or vagabonds, or reset of guids or gear frae them, except that whilk is lowable and bocht in open mercat, under the pain of banishing. Providing alway—gif ony sic callands resort to his house—that he advertise the Bailies." Infamous women are summarily disposed of. "The assize hes fund and decernit Cristen Simson alias Brunt Grannie to be banishit for year and day, and gif sho beis fundin within this burgh during the said space, to be brunt upon the cheek, and banishit upon new. Also, hes fund and deliverit that Mege Broun sall remove her off the mercat, and nocht repair but in the Seygait, under the pain of banishing. Also, hes decernit that gif Mege Thomson house or herber vagabonds or howris in time coming, to be banishit for year and day."

Notwithstanding the coarse and indelicate manners which, according to the satirical writers of the pre-reformation period, characterised contemporary life, we have no reason for concluding that the morality of the people was lower than it is now, or that womanly virtue was less highly valued. Certainly, an indecorous plainness of speech and of writing was habitual which would not now be tolerated; but this can not of itself be held to prove that society was then less virtuous, for we, in these modern days, have become quite as accustomed to the discussion of objectionable subjects, with this difference that the language used must be no more than judiciously suggestive, and have its coarse points rounded off with delicate innuendos, so as to give no offence to sensitive minds; and, in comparing the social aspect of the two periods as judged from contemporary literature, we cannot avoid arriving at the conviction that they differ far less in important respects than in this, that plain words were more commonly used

[1] The trone, which was a wooden pillar for carrying the public weighing beam and scales, then stood at the west end of the Market Gait. [2] Suffer the death.

in the sixteenth century than they are now. At the earlier time a charge of immorality against man or woman was always reckoned a serious matter. Chastity was then as now the special virtue of the female sex, and could not be questioned with impunity; for when a man ventured to make slanderous charges against the character of a young woman, he was imperatively "decernit to prove his allegations in judgment," or underlie heavy penalties.

Judging from the incidents narrated in the burgh records, we do not find that the state of society at the time of which I write differed materially in its social and moral aspect from that of the present day, or that woman, although her higher qualities as yet were neither generally developed nor recognised, held an unhonoured place in domestic life. No doubt the people were uncultured and their manners were rude, so that the ordinary intercourse between the sexes would be neither delicate nor refined, but, unquestionably, the women of old Dundee were held in general respect, and they appear to have done their onerous duties as daughters, wives, and mothers as well as those of the present day can do. If there is not to be found among them any striking instance of magnanimous virtue, there are but few of gross immorality; and it may be concluded that although they did not rise to such an elevated standard as many now attain, they did not sink so low in the social scale as others now reach; and may, in a middle walk, have pursued the even tenor of uneventful lives none the less happily and worthily because they have left us little to record. Perhaps if those of the sixteenth century differed in aught from their modern sisters, it was in possessing to a higher degree the fatal fluency of speech which enabled termagants to pour out vituperation upon their neighbours so volubly that, as we shall see, special measures had to be devised for stemming the eloquent flood.

During the rule of the old Church, the laws which were provided for the punishment of unchastity and immorality were not usually enforced in the Burgh Court—it not being until after the Reformation that they were rigorously administered, and condign punishments meted out to offenders with all the accessories of public degradation. It may, however, be questioned if Christian morality gained thereby, for the system does not seem to have served any

purpose of restraint, or helped to raise the tone of public virtue. The adjudication upon these offences, and their public expiation, were subsequently left in the hands of the Kirk Session; and that ecclesiastical tribunal, although at first it had not power to inflict punishments without the magistrates' sanction, was afterwards authorised to do so, and continued for long to perform these judicial functions. It even for some time exercised the power, which now only belongs to the civil court, of divorcing persons who had offended against the marriage tie.

CHAPTER IX.

THE HOUSEHOLD.

Domestic servants making double promises—Their fees and bounties—Deserting their service—Unreasonable mistresses—The terms and conditions of men servants—Simple domestic usages—The common living apartment—A housewife of the period—The household of a leading burgess.

From the disputes which came before the Court regarding the fulfilment of the conditions on which men and women entered upon domestic and other service, we obtain some glimpses into the household economy of the old burgh which are not without interest. The most common cause of complaint against women servants was that they made "double promises," that is, engaged themselves to one family and thereafter went and served in another—an offence which was usually punished by giving the wages which they earned "to the
1520. person who wanted their service." When Jonet Husband "made condition of feeing with Jonkyn Henrison for five shillings, a apron, and a pair of shoon" and, instead of entering his service, went to Wille Mar's wife; the latter, as we have noticed, was ordered, instead of giving any wages to Jonet, to pay the fee and the articles named to Jonkyn—"at his will to be given till Our Lady." In like circumstances, Jonet Retre, "Sileman Baxter's feeit servant," having, probably because of illness, "got licence to pass away within terms;" she took the opportunity of going to serve with David Carnegy. Whereupon the Bailies "ordainit her to pass hame again to mak Sileman service for this term, and David to devoid her of his service incontinent." They, however, on consideration, altered their decision, and allowed her to remain where she was, on condition that her master give her no wages, but "pay six shillings six pence for her fee till
1554. Sileman at Martynmes." Elspet Mason having, without warning, at Whitsunday left the service of Margret Paterson and gone to George

Rollok, elder, at Wallace Craigie; for her desertion "is decernit to pay to Margret, for the half year's fee unto Martynmes, ten shillings and ane pair of shoon," and, "gif sho maks service to ony man other than George Rollok, elder, Margret to have her service." "Anne Gib is decernit to serve Henry Nicholson for this half year, and her fee to be payit till Robert Watt," whom she should have served; "and, gif sho beis fundin making twa conditions in time coming, to be put in the cuck-stule." Matie Davidson, living in her father's house, "is ordainit to pay Agnes Sterling ten shillings for the fee of a servant during the space of ane year next to come; and that because Matie conditionit and feeit herself with Agnes during the space forsaid, and wald nocht enter to her service, as sho confessit."

A method was devised by which run-away servants were starved back to their places. Mege Sellar having left the service of David Lyall, walker, is amerciate for non-compearance before the Bailies; and they "decern George Ramsay, merchant, and his wife to deliver the said servant to David's service, and nocht to give her meat nor service unto the time sho compears in judgment and declares when sho wes feeit, and wha withal first and last." This soon caused her to appear in Court, when "sho is adjudgit to enter David Lyall's service, or else pay nine shillings for her fee to David." John Wallace "complainit that Jonet Hardy, his feeit servant, wald nocht enter hame to his service. Whairfore the Bailies hes commandit the officers to pass to Findlo Fell's house, and put inhibition to Findlo and his wife that they neither give meat, drink, nor laubour to Jonet until she compear in this tolbuith, and it be declarit whas servant sho is." Margret Broun having improperly left her place, "the Bailies ordain the officers to pass and bring her, whairever sho may be apprehendit, before them to answer to the complaint of Patrick Durham. And, gif sho absents herself and can nocht be apprehendit, ordain Andro Portar, [with whom she had engaged herself], nocht to receive her nor give her meat, drink, nor clething." The officers, however, failed in performing their duty, and were peremptorily ordered "to bring Margret Broun, servant to Andro Portar's wife, to answer to the complaint of Patrick, or else [themselves] answer and incur the laws that may be usit agains her;

because they war chargit to have brocht her before the Bailies, and, by[1] command, gave her freedom upon caution." This had the effect of sending her back at once to her service, although in no good temper; for, shortly thereafter, we find that Meg Broun has had a violent passage in the house, having "spoken blasphemous words upon Patrick Durham's wife." Before the Bailies she, however, calmed down, "and confessit her fault, and grantit that gif ever sho be fundin speaking sic injurious words to Patrick's wife, or ony other, that sho sall be banishit for year and day."

A young woman who alleged that she had been hand-fasted to a man, is suffered to leave her place between terms for the purpose of living with him; but this on condition that she should serve in his house only. "Jonet Straton grantit her feeit servant to Thomas Logie, tailzour, [but] allegit that Watte Hog and sho war contractit. Whairfore Thomas protestit that gif Jonet made service within this burgh to ony other man than Watte Hog, that he micht have her fee."

1521. An unreasonable mistress would sometimes refuse to pay a servant's wages, but the Bailies gave judgment on such matters with discreet leniency. "Elene of the Monksholm[2] is stressit to pay Elene Ductor's four shillings six pence of fee within ten days next to come." Another mistress has withheld her maiden's fee, alleging that she had taken away some articles of dress belonging to herself; but is ordered to come into Court, and prove her allegation. However, "on the day assignit to Elspat Rait to have provit a pair of black clocks of hers upon Malkyn Broig, for the whilk her year's fee of fourteen shillings and a gown of russat was withhalden, Elspat come nocht. [Wherefore] the Provost and Bailies ordain that the fee and the gown sall be deliverit to Malkyn, because sho micht nocht fast nae langer be the law." John Fif's spouse having put away her servant between terms, "is ordainit to tak hame Elene Jameson to serve furth till Witsunday next, and pay her for her service be her conditions and quittance.

[1] Without.

[2] Monksholm, on the low-lying ground to the east of the hospital, was, probably, the old Monastery of the Trinity Friars, which had already been dissolved. The house was now used as a residence. I find that at a later time it was occupied by the Rollock family.

And failing thereof, and that sho put her now away, to allow her the three shillings sixpence of her kirtle, [not yet earned], and give her claiths free."

Domestic servants guilty of improper conduct were, however, treated with sufficient rigour. Alison Jak, having carelessly given some wandering caird an opportunity for pillaging the kitchen, "is adjudgit to pay David Bird for his twa plates, his iron pot, and the bowls whilk sho let be stowen through her negligence and sleuth, eighteen shillings; the whilk wes referrit to his questier,[1] and he—sworn—deponit that the plates, pot, and bowls war better than the said soum." Jonet Bell slandered her mistress, the housekeeper of George Falconar, and is subjected to exemplary punishment by being "ordainit to pass to the Mercat Cross, and there upon her knees, ask her howsie [forgiveness] of her injurious words spoken to her said howsie, and never to fail to ony honest woman of this burgh, under pain of putting her in the cuck-stule." 1551.

Men-servants appear to have been often entered to serve by the year with persons in the burgh as well as with those to landward. Here is one engaged conditionally. Peter Crawfurd's wife, in absence of her husband, came before the Court and "provit sufficiently that John Westwoid is feeit with her till Yule next, [his] entry till her werk to begin the first Saturday that Peter's wife sall set. And when Peter comes hame, gif he likes nocht John's service, he sall discharge him, and pay him sae far as he has servit, at the consideration of the Bailies." At a later time another who entered between terms, gives security for his good service. "James Scrymgeour of Balbuchlie is become surety for Wille Spalding that he sall be leal and true servant to David Spanky, and for his lawte and remaining till Witsunday next. And gif it please David, he to have his service for ane other half year for ane merk—and ten shillings to the term of Witsunday." 1520-1. Feb. 18.

Trouble was likewise experienced with men-servants engaging to serve two masters for the same time. One who has done so, is made bound to work out a term of five years until he can be his own master. "Henry Pottar is fundin, first, John Bennat's feeit servant 1522-3. Mar. 2.

[1] Interrogation.

till Candlemas next, and therefter to enter the next year to Robert Murray in Brechyn, and complete that year's service with him; [because] he has gotten six shillings and a bonnet in bounty of his fee of that year in hand, and made condition to Robert. Therefter—that year being outrun—he sall enter again to John Bennat, and remain three years with him in service. And John is surety to Robert to enter him efter Candlemes next at the ische of his year's service, gif he comes for him." Another frees himself from the first claimant for his service. "Thomas Anderson pursuit John Henderson as his feeit servant, now being in service with Andro Just, and referrit to his aith; and he quit him, and is fundin Andro's servant." A third is unable to do so, and loses his fee. "William Garioch is decernit to serve William Guld, and his fee to be payit to David Aldcorn; because he made condition to them baith."

1521-3. The wages of some men-servants were not much higher than those of women. "The claim of John Cairncross for seventeen shillings of fee and two shillings in other things," is referred to arbitration. Edmond Blair "is provit John Duncan's feeit servant for ane year in to come for sixteen shillings of fee, and is ordainit to pass and remain with him to the ische of his term." John, however, "grants—Edmond being again servant to him—to pay four shillings mair than the sixteen." A balance of wages having been left unpaid to Richert Gowan, "Rob Cathro's wife is ordainit to pay till him two shillings and a pair of shoon, or the price of the rest of his fee, within term of law."

A servant having been off work through illness, is ordered to return to his master, and he would have his wages paid regularly. "Thomas Guld is adjudgit, how soon that he may wirk, to wirk at my Lord Rothes[1] laubour, and to enter thereto and to nane other; and Robert Widd hes actit himself to pay his wages every Saturday at nicht, under the pain of doubling." Thom Fethy denied that he got notice to leave, and refused to quit his place; but, having been called "in judgment, he grantit that he wes chargit to flit be John Marschel on flitting Friday last wes, at four hours in the morning."

The offences recorded against servants are few and venial. "Alexr Scott is amerciate for stroublance of James Peblis, and, for mends, has

[1] His house stood in Our Lady Gait, near where the upper end of Union Street is now.

of will askit James and Robert, his brother, forgiveness, and also his master, for the fault, and bundin him to stand him in as meikle stead in time to come therefor." Wat Smyth, "as surety for Thom Colie, is adjudgit to pay to Andro Croil three shillings, two pence less, for faults that the said boll[1] incurrit, that Andro, his maister, payit for at the time," together with "nine pence for his awn debt."

The records give us a few glimpses of the simpler habits of life which prevailed in the old burgh at the time when the various members of a household—the servants as well as the family—were to be found sitting together in a common apartment—the women probably engaged in combing wool, spinning yarn, or knitting "wirsat"—and all the group taking a similar interest in domestic incidents. 1521. Andro Mechelson having borrowed a basket from Rob Butter's wife, May 12. both parties differed as to whether or not it had been returned; he "alleging that the baskart come hame again," and she asserting that "it is halden frae her be Andro," and for this reason refusing to pay him some money which she owed. Thereupon the difference "is referrit to twa wemen's aiths of the said Robert's wife—ane, his sister, and ane other the tother servant—and, gif they depone it come hame, Andro to have the two shillings." A question having arisen regarding the price of certain skins purchased by Thomas Maxwell from 1551. Sande Barre, flesher, "Thomas producit Kate Just for witness; and Nov. 17. Kate, sworn and purgit of prociale consule, deponit that sho wes servant in Thomas Maxwell's house, when Sande Barre come to plenzie[2] how his brother wes hurt about snawballs casting beside the skemmils,[3] and that same instant time sho heard Sande condition his slauchter skins to Thomas of the same price that Ersche Patre sauld his"—all being affairs of general household interest.

In a poem which has usually been attributed to Dunbar, there is a graphic picture of the well-dressed, tidy, and managing housewife of the period:—

"Sho cleithes her in a kirtle of fyne reid,
Ane fair white curch sho puttis upon her heid;
Her kirtle was of silk and silver fyne,
With ane proud purse and keyis gingling syne,

[1] A housed servant. [2] Complain. [3] Shambles.

On every finger sho weiris ringis two;
Sho was als proud as ony papingo.
The buird sho coverit with claith of costly grene,
Her napry above was wonder weill besene."[1]

Among the wives of the well-to-do burghers of old Dundee, there were, no doubt, many such worthy specimens of comely womanhood who, although they were proud and arrayed in goodly attire, still kept their eyes upon the seemly order of their households, and guided domestic affairs with prudence and economy.

Careful housewives have always been in the practice of sending their linen to be cleansed in the purer water, and bleached in the fresher air of country places. "John Roger, dwelling in the Ferny
1554. Oct. 17. Falds, confessit he receivit frae Effe Ayrmer ane pair of worn sheets to have been bleachit at the water; the whilk sheets" were carried off by some one, "and he cuth nocht get them again." So he "referrit the avail of them to Effe's aith, wha deponit that they war worth aucht shillings. And John brocht John Boyes surety for the same." But, when some of Besse Robertson's clothes were lifted from the burn side, the culprit was discovered, and "John Snell, miller, is adjudgit till deliver till Besse ane clene sark whilk he wrangously took frae her, or the avail thereof."

I have already referred to Robert Mylne,[2] an important burgess, described by John Knox as "one of the principal men of Dundee," who, in 1544, within the Church of St. Mary, gave inhibition to George Wishart "that he should trouble the town no more." For a short time he filled the office of Provost, and died—probably at his house of Milton of Craigie—about 1551, having been shortly after followed by his wife. Upon her death, their eldest son produced in the Burgh Court some evidence regarding disbursements he had made upon the paternal estate, which is of considerable interest as helping to illustrate the domestic life of a leading burgess. "David Spens warnit
1552. Aug. 23. at the instance of Robert Mylne, son and heir of umquhile Robert Mylne, burgess of Dundee, to compear and depone his grite aith what soums of money he had receivit frae Robert, as tutor and intromitter

[1] Be-sewn. [2] *Ante* pages 84, 85, 267.

with the gear and guids of Elesebeth Olifer, relict of umquhile Robert, and only intromissatrix with umquhile Robert's gear, [for the] proper debt awing to [him] be umquhile Robert, and other diverse soums of money debursit be Robert Mylne, younger. And David, personally compearing, warnit as said is, and the grite bodily aith sworn upon the haly Evangels, deponit that he receivit twenty merks for his fee awing to him be Robert's father and mother before their decease, frae the hands of Robert. And siclyke, that he receivit frae Robert forty shillings, whilk [he] payit for girsing[1] of the oxen of Balmuthe,[2] and the children's costs that brocht them hame in simmer efter Elesebeth's decease. Also, he receivit frae Robert twenty-six shillings, whilk he confessit that he wairit upon wild meat,[3] whilk wes sent till Andro Mylne's bridal, and at Andro's command. And fourteen shillings he grantit he gat payment of be Robert, whilk he payit for the harreit[4] ox whilk wes lang in missing. And three shillings for ane stot getting again, whilk wes strayit. And six shillings whilk Robert payit for his expenses for passing to the laird of Makise.[5] And this, David grantit in judgment. Jonkyne Smyth alias Davidson compearit, and grantit him have receivit frae Robert the soum of eight pounds two shillings for iron werk made to the toun[6] of Balmuthe, and awing to [him] be Robert's umquhile father effore his decease. Also, Jonkyne grantit him payit for ane fore hammer and ane taings twelve shillings be Robert, whilk [his] umquhile father borrowit frae him. Jonet Modye, servant-woman, [compearit], and sworn, deponit that sho receivit frae the hands of Robert, twenty shillings for her half-year's fee and bounty, promisit to her be Elesebeth Olifer, [his] umquhile mother. Geordе Mylne, lawfully warnit, compearit, and sworn, deponit that he receivit frae Robert that year the town of Dundee wes brunt be Englishmen, five shillings to mak his expenses with the silks and merchandise whilk Robert

[1] Grazing.

[2] The lands of Balmuthe, which formed part of the estate of Tealing, were in possession of Katrine Guld, wife of Andro Mylne, Robert's second son, in virtue of a bond which she held over them, until May of this same year, when they were redeemed by Hew Maxwell of Tealing paying to her and her husband the sum of thirteen hundred marks.

[3] Probably venison.

[4] Carried off by reavers.

[5] Probably Marcus on the Noran.

[6] The buildings on a farm.

sent to Edinburgh to his brother Andro. And siclyke, that Robert deliverit to him three shillings to pass to Sanct Androis to Maister Walter Fethy. And also, that Robert bocht ane plaid to [him] whilk cost eight shillings, be reason that Andro had tane Georde's plaid, and commandit Robert to buy ane other to Georde. Also, that Robert sent him to Edinburgh with ane letter, and gave him to his expenses five shillings. And he gat diverse and sindry times his expenses to pass to Edinburgh to Robert's brother, Andro, of the whilk he wes nocht memoratible. Likeas, Wat Flesher[1] [compearit], and sworn, deponit that he receivit frae Robert twelve pence, whilk Robert's mother was awing till him for bru[2] flesh. Upon the whilk haill confessions Robert Mylne askit act and instrument."

[1] That is Wat the flesher. [2] Broth.

CHAPTER X.

COMMERCIAL INTERCOURSE BY LAND AND SEA.

The Guild of merchants—Their booths—Travelling merchants and fairs—Mercantile confidence—Distraining for debt—Sureties—False coin—Bartering—Adventuring money and goods—Imports—French merchants—Disputed freight—Ships at the port—Damage by stress of weather—A tax imposed on the Tay ferry boats.

As the history of Dundee emerges out of the shadowy realm of tradition, we find merchant-venturers already displaying a characteristic spirit of enterprise, which was doing much to promote the prosperity and growth of the burgh. From an early time they were associated together in the highest burgess degree as Guild brethren, and this afforded them that mutual support which not only enabled individuals to more easily attain success in commercial pursuits, but materially forwarded the common interest. This union was rendered more effective by a charter of incorporation which the Town Council granted to the Guildry in 1515—the authority and privileges of which James V. subsequently confirmed. By this charter, which authorised the Guild of merchants to found "The Haly Blude altar" in the south aisle of St. Mary's Church, and appoint a chaplain for saying mass thereat, the Guildry were enjoined to choose a Dean to exercise all the duties and authority which pertain to his office—namely, to collect "the haly blude silver;" to levy dues on all goods exported, on this side the sea and beyond the sea; to exact from merchants setting up booths within the burgh, forty shillings, except from freemen's sons born therein, who had to pay six shillings eight pence only; from those beginning "to pack and peill their gear," (that is entering on business), six shillings eight pence, except from freemen's sons who were born free; from merchants or cheapmen who stood with merchandise on the "Hie Mercat Gait without their case-

drop, unless on the mercat day," forty shillings; and from those of the Guild warned to pass through the Church with "the haly blude bred" for gathering contributions, and disobey, two shillings—all to be applied to the reparation of the altar and uphold of its service.

1520. Nov. 28. It was not until after this that dues were exacted for establishing merchants' booths. "James Wells is challengit be the Dean of Guild for forty-four shillings for his buith upset; [but] it is sufficiently provit that he set up buith before, or the letter of privilege thereupon was made. Whairfore he is made quit thereof in time to come." The payment for admission into the Guildry was at first very low. John Wat, merchant, is admitted "in the freedom of the Guild for six merks—forty shillings in hand and other forty shillings at Mertymes next. And the treasurer promitts to gar the Dean of Guild gar licence him to set up his buith for twenty shillings." The privilege of belonging to the Guildry was much desired, and we find that admission to it was sometimes granted as a mark of respect, or in requittal for a favour. On one occasion the honour was conferred

1552. Oct. 3. upon a woman. "The Provost, Bailies, and Council hes given and grantit to Marjorie Scrymgeour the freedom of the occupation of the Guild of this burgh, at the request of ane honourable man, Maister John Scrymgeour of the Myris, [maister of werk to our Soverane Lady], for gratitudes done be him to this burgh."

The ordinary merchant booths or shops were then open in front to the street in the form of piazzas—the houses of their owners being behind. The goods for sale were displayed upon stone or wooden benches, from which they were removed at nightfall for safety. These booths, or even the improved description called luckenbooths, were small and unpretentious; in marked contrast to the spacious and ornate shops of a modern city. Here are the terms of the lease of one of them which stood in a central position under the old tolbooth, and these show that the better sort were of a very modest description.

1523. Ap. 22. "The Council has set, and for mail letten till David Cow the chop under the tolbuith stair for seven years following the feast of Witsunday next, with all asiaments[1] and profits that he may have in time to come inneuth and utoth,[2] he paying eighteen shillings of mail

[1] Conveniences. [2] Within and without.

yearly. And when the tolbuith stair beis removit,[1] what reparelling[2] that David maks in silyng[3] or other ways inneuth the chop for the asiament of himself, he till have privilege to tak it with him at the ische of his term."

Besides the regular merchants located in booths within burghs, there was in those days an important and useful class that passed between towns—usually in companies for mutual protection against reavers and lawless persons—and made rendezvous at the principal fairs, when the ordinary restrictions upon free trade were removed, carrying with them commodities either for sale or for exchange with the productions of the locality. It was the interest of those in towns to do everything they could to encourage the free resort of these strangers, and I find that the Dundee burgesses, for this reason, at one time changed the place for holding the principal fair from the confined space at the west end of the Market Gait to the open churchyard. "The Council having consideration of the calamity and trouble coming yearly upon this burgh be dissension amang neighbours and oppression of strangers, in bigging of stands and taking of rowms upon the Hie Mercat Gait, betwix the east nuik of the auld tolbuith and the Kirk Wynd—whair there is neither room nor place convenient whair neighbours and strangers micht use their mercat without they stoppit the common passage to the Kirk—and also, [that] certain neighbours wha took the stands, usit sic ane scaffrie[4] upon strangers and neighbours that they micht nocht gudelie resort to this mercat without grite damage and exorbitant expense, and applyit the profits tane up for the stands to their singular profit—contrair justice and the common weill. Whairfore they think it expedient that all cramers,[5] chepmen, and merchants—baith neighbours and strangers handling merchandise or small cramerie wares—wha use to stand in the mercat with tents and crames,[6] come to the kirkyaird, on the south side of Our Lady Kirk, and big their stands and tents there sic as they will use for safety of their gear. And ilk stand to pay to the bigging of Our Lady Kirk." At this time there were no buildings on the south of the Church, and the yard would be found sufficiently spacious for the business of the fair.

1551. Aug. 11.

[1] The new tolbooth was then in prospect of being built. [2] Refitting.
[3] Ceiling. [4] Improper exaction. [5] Dealers in small wares. [6] Stalls.

1520 Dec. 17. Here is a merchant from a distance who has to proceed upon his travels without having obtained payment for some goods. "Thomas Hay is adjudgit to pay Thomas Scott, butterman, eighteen shillings for butter that his wife gat frae him—as is fundin be sufficient proofs. And, as Thomas Scot is dustifuttit man,[1] he has made James Cunningham procurator to receive this money, because he is to pass to his errands."

1522. Nov. 16. Unless at the time of fairs, an unfreeman was prohibited from dealing as a regular merchant within the burgh; and it was unlawful for a burgess to associate himself in partnership with him. "Andro Just is adjudgit to deliver twa bolls of salt till Our Lady for the assize boll, because he is marrowit[2] in the boat with unfreemen." The regular exaction for the High altar was one boll of salt from each cargo, and even this, burgesses sometimes tried to evade. Lowrance Kynpont carried off his vessel after it was arrested for his refusal to make the payment; but, having afterwards been apprehended, he is ordained "to pay Our Lady ane assize boll of salt for the whilk his ship was arrestit, and the arrest broken."

Trading confidence and mercantile enterprise over the realm were much promoted by the ready and general recognition of the legal force of acts made in any burgh; and by the suretyship which was commonly provided for the fulfilment of contracts and the recovery of

Sept. 1. debts. John Polsone, a merchant of Dornoch in Sutherland, sent a quantity of goods—the nature of which is not described—to James Ernwene, (also written Irwyne), burgess of Dundee, and these not having been duly paid, he pursued his debtor "be ane act of the Bailies of Dorno;" upon which the Dundee Court—recognising the force of this act—gave a decree against Ernwene "for the soum of four and forty pounds." For the payment of this sum, Andro Barry, also a burgess of Dundee, became surety, and Ernwene in return, bound himself "that gif it happens that Andro beis pursuit either in spiritual law or temporal law be John Polsone [for the money], it sall be lesum till him till cause the Bailies to puind and distrenzie his [Ernwene's] guids, and mak penny thereof for relieving and freithing him. And, gif nane of his guids may be apprehendit, he grants that

[1] A person in course of travelling about. [2] In partnership.

his person sall be keepit and halden till he find ways of relieving Andro." After a considerable time, and Ernwene having failed in paying the debt, his surety was forced to make it good. On which Andro came before the Bailies and "showit sufficiently that he was pursuit and cursit for non-payment of the soum, and finally was compellit to mak payment thereof." Thereafter Ernwene, "being lawfully warnit be the officers at his dwelling-place to compear before the Bailies, disobeyit, and the officers [were] ordainit to pass and distrenzie and, gif need beis, lawfully apprize to Andro Barry as meikle of his movable guids as extends to forty-four pounds."

The distraint was then made, and, although Ernwene raised an action against Andro "for the wrangous intromitting and away-taking of certain gear out of his house with his complices," it was found to be legally executed; and "the sergeants, at command of the Bailies gert present the gear at the Mercat Cross to be prizit, as is use in burgh and common law." Then a goldsmith and certain other persons "prizit the gear to be made penny to Andro:—That is to say, five gold rings weighing twa unce and a quarter, the unce to twelve merks; eleven silver spunes and the piece of silver weighing twelve unce, the unce to fourteen shillings; the twa dishes and eight dublaris[1] weighing thirty pund, to twenty pence the pund; the seven quart stoups and seven pint stoups weighing three score and five pund, to sixteen pence the pund; the four chandillars weighing ten pund, to twenty pence the pund; and the twa gowns—ane brown and ane of russat—to ten merks. And therefter, this gear was offerit to James Ernwene's wife, in absence of himself—he being socht thereto, and [being] utouth the burgh—gif sho wald outred the said soum. Then they war roupit at the Cross wha wald give mair soums for them, and nae man wald give mair; whairfore they war deliverit to [Andro] in payment of the soum."

Such presentations of goods distrained for debt, were not uncommon. "Twa dublars, four dishes, and a little pan of Wily Mar's were presentit to the Cross for debt awing to sindry persons, and prizit, the pund of the pewter till fourteen pence, and the pan to twa shillings;

[1] Doublars were large platters. In the old poem, "Jynny's Providing," part of the bride's gear consists of "Dischis and doublaris nyne or ten."

and therefter roupit gif ony wald buy them, and there wald nae man bid mair nor twelve pence for the pund of the pewter, and but eighteen pence for the pan. Then the Bailies gert sell and mak penny to the creditors." Again, "a tawny haik[1] and a green kirtle—auld claiths of John Carnegy's"—were presented "at the Mercat Cross for the soum of twenty shillings awing to Robert Meill, and prizit at twenty shillings," for which "they were sauld and made penny of, and this was given to Robert." Horses were sometime similarly distrained and sold. "Anent the soum of five pound, confessit be the Lady of Abirzeldy awing to Besse Wedderburn, the spouse of Alexr Ogilby,[2] for the whilk there was twa horse, a black and a brown of the said Lady's prizit at the Mercat Cross [by the officers]—the gret aith sworn—the black to forty shillings, and the brown to twa merks and half merk; the horse war then roupit at the Cross gif ony person wald give mair money for them, and there was nane bade mair. Whairfore the Bailies deliverit the horse to the party [Besse] for the said soum. And of that four shillings stricken off to the officers and clerk's fee."

1522. June 3.

1553-7. Some of the sureties that were made on behalf of merchants and others, give curious glimpses into the social relations of the time. "Patre Findloson alias Ersche Patre, grantit he wes caution for ane Hielandman at the Letter Fair wes twa year, for certain aits skaithit be the Hielandman's guids to William Drummond, dwelling in Lornyte.[3] Whairupon William askit act." "The Bailies hes referrit the claim of fifty shillings, given in be Agnes Strachachine contrair Henry Ramsay, cautioner for the Lady of Powre-Fothringame,[4] to Agnes' aith; wha deponit upon the said soum. And therefter, Andro Fleshour become caution to Agnes, whilk being done, Henry renouncit his awn jurisdiction, and band himself to relieve Andro of the fifty shillings." "Anent the bill of claim given in be Sir Duncane, chaplain, and Jame Leiche, servant to the Laird of Inschmartyn,[5] agains Katrine Maxwell, alleging that their arrestment wes first made, they have tane term to prove the samin." Here is a record of security "insert in the common Court buke" by "Hendre Richardson, scribe of Court," which would satisfy modern requirements. "I,

[1] A gown.
[2] Alexander Ogilby was Provost the following year.
[3] Near Blairgowrie.
[4] In Strathdichty.
[5] In the Carse of Gowrie.

David Williamson, grant me to have deliverit my key of my cellar whair my hemp lies, to George Wentone for his relief of twenty-five crowns of the sun, for whilk he is cautioner to William Kinloch. And the key I deliverit effore James Lowell, Bailie."

1556. Aug. 1.

This is how an enterprising and adventurous merchant bound himself to make payment for a purchase. "Robert Jak, burgess of Dundee, grants him have receivit frae the hands of James Findloson thir merchandises underwritten:—In the first, twenty ells of velvet, with certain Lyle worsat, satin of silk, sewing silk, ruben[1] silk, and other small gear extending to the soum of nine score six pounds eighteen shillings; the whilk soum Robert hes bund and oblist him of his awn proper confession, and also actit him really and with effect, to content and pay to James at the days following—viz., forty-six pounds eighteen shillings at the feast of Sanct John callit the Decollation of Sanct John;[2] and the rest to be payit, the ane half thereof at the Covane day,[3] and the other half at Andromes[4] next to come, before witnesses" in presence of a Bailie. "And failing of payment, officers to puind and prize for the samin like as this act had been made in judgment." The obligation was entered into out of court before Bailie Myln, the younger. Jak's speculations were sometimes of an illegal and perilous character; and one of them proved to be unfortunate for him. Birrel relates in his "Diary" that, in 1567, "Robert Jack, merchant and burgess of Dundee, was hangit and quarterit for false coin callit hardheads, quhilk he had brought out of Flanders."

There are some references in the Court records to spurious money, of which there was then a considerable quantity in circulation. In 1521, "Will Gullan is adjudgit to pay till Dave Robertson fourteen shillings of silver, or else a sufficient crown, for a copper crown that he gave him in payment." In 1552, "It is fundin that Margret Melyne is innocent of the reset of Henry Wynd, and owting[5] of his false cunzie. [But] the judges hes decernit that gif ever, in time to come, ony lymmars chance to be reset in her house, that sho sall answer for their demerit."

[1] Ribbon. [2] August 29th. [3] Or Convent day, probably St. Francis day, October 4th. [4] November 30th. [5] Sending out, uttering.

1521-3. The scarcity of money in the early days of commercial enterprise, caused frequent resort to the primitive custom of exchanging one commodity for another. "Anent the condition made betwix Henry Swan and Copyn Lyone—that is ten bolls of aitmeal for twenty-one ells of claith—Copyn is adjudgit to mak the meal as sufficient gude and as gude as the exemple that Henry provit[1] of first, and [then Henry] to deliver the claith." A bargain having been made between John Huntar and James Kynloch "of bartering sae mony barrels of ase[2] as draws twa tuns of wine, John deponit that he barterit the ase for wine, gif the wine likit him when he saw it. The whilk wine he has seen, and likes him nocht. Whairfore the judges absolve and find him free and quit of the blok of bartering." John was, however, persuaded to reconsider the matter; for, "at the request of the Bailies, he is content to tak three puncheons of the wine, and deliver ase therefor. Therefter, being inquirit, he said, He pleasit it nocht, but he took twa tuns of wine." So it had no doubt been all right. "James Fary is adjudgit, be his awn grant, to deliver to Patrick Jak within lawful day, three hides worth twenty shillings, and Patrik to give him a doublet of fustian again."

It was not an uncommon practice in the old burgh for persons having a little money, to adventure it on speculation in the hands of some one going abroad. "Robert Daise, skipper, is adjudgit to deliver to James Makison twa barrels of sufficient saip for the evil saip that he hes brocht hame to him [from Flanders], and, failing thereof, to pay" back his money. "Robert Cristie is made quit of the claim of ane angel noble and ane stur that Will Wicht's wife claimit him of, that he was merchant to, because he provit that he gave it to wair to her profit and behoof to David Just—the whilk is away in Ye Gabriell." Sometimes a limited quantity of goods is sent on venture. A ship's cook having taken with him to sea various small wares on which to trade, he gave them into the skipper's hands. On the return home, count and reckoning is made. "It is clearly proven that Wille Peterson receivit in Norroway frae Peter Ramsay, cook of his ship, sae meikle linen claith, points, purses, preenis, and needles as extends to eighteen shillings eleven pence; and attour,

[1] Approved. [2] Potash.

rests awing to him forty shillings of his hire." One man got no return for his hides. "John Bell being pursuit be James Cunningham, as his merchant in Flanders, for reckoning and payment of five pounds two shillings gret of his hide silver, it was referrit to his aith how that he twynit[1] and partit with the money. And he, being sworn the gret aith, deponit that, be process and order of law, the money was arrestit" for debt due by James in Flanders.

Five bales of canvas, the property of two churchmen, which had been shipped for exportation, having gone amissing, surety is made for Malcolm Alderman, who was merchant for the sale of the goods abroad, "that he sall compear the penult day of this instant month before the Bailies, and answer to Maister Robert Lawands and Sir John Kar anent the five sekks of canvass claimit be them upon him, and till underlaw the law for them. And gif the penult day be haly, on the morn efter." There were then so many holy days in the Church, on none of which the priests who had speculated in the canvass could attend the Court, that, in the absence of a calendar, the adjournment had to be made in this uncertain manner. The 30th turned out to be St. Martha's day, so on the following day, "Malcolm producit lawful testimonial and provit therewith the delivery of four canvass serplatis[2];" and proof regarding the other bale was adjourned. 1522. July 8.

There are some references to mercantile ventures made in England. "William Chaip, skipper of Perth, is adjudgit to pay within three tides," (which is the usual term assigned for the payment of sea-faring claims), "five half angel nobles of gold that he is awing to [ ] sin they cam out of England; the whilk was made for his expense in England for meat and drink and other expense." At the adjustment of the accounts of another party, "Thomas Michell and William Robertson are adjudgit to pay to John Gardine fourteen shillings for their part of twa ducats, debursit in England for their expense—they being twa men of six in company." Here is an entry which shows that a hostage had been left in security for some transaction. "James Rolland, be his hand uphalden in judgment, oblist him to enter in England the 15th day of this instant month, for 1552-3. Mar. 3.

[1] Lost hold. [2] Bales.

relief of himself and Alexr Forestar, wha for [him] lies pledge in Alnwick in England."

From an early time, the harbour of Dundee was reckoned a commodious and safe haven for the small vessels which were then employed in foreign and coasting trade; and it afforded reasonable facilities for the commercial enterprise of the burgesses. The principal articles imported from Continental countries were grain, timber, wine, hemp, and iron; and, from ports along the coast, coal, salt, cloth, and a variety of miscellaneous items. For a short period (1550-2) the entries of ships' cargos arriving at the port, were kept in the Burgh Court books, and from these some particulars are to be found regarding the commerce of old Dundee.

"Andro Kemp hes enterit his ship with this timmer following:—

Fifteen trees of aik twelve ells lang.
Three trees of sixteen ells lang.
Twenty-eight trees of sixteen fute lang.
Four dusson of corbills.
Twa thousand stowis.[1]
Four dusson of Swethine buirds."

In the cargo of a ship from Rostock there were:—

"Twa dusson pieces of timmer of sixteen ells, assignit to be bocht for the Kirk."

In a vessel from Flanders there were:—

"Forty thousand strings of onions.
Twenty-four barrels of apples."

In another there were:—

"Twenty tun of wine.
Fourteen barrels of Antwerp saip.
Twa ton Spanish iron.
Nineteen stiks English claith.
Ten half pocks of wad."

In a third:—

"Five lasts salt.
Six small lasts and three barrels of Reise tar.
Ane hundred wainscot."

[1] Staves.

A ship from Stralsund had:—

"A cargo of bear.
Three shippund Schaif iron."

"Richard Harygald, skipper of Newcastle, enterit his ship callit Ye Mary Grace:—

Ten tun Gascone wine.
Twa tun and ane half wergens [?]
Ane piece black, ane piece marble,[1] twa piece carsay.[2]
Ane cradill glass.[3]
Ane gross cartis.[4]
Six ryme of paper.
Eleven score bolls of gryt salt.
Three score stanes wax.
Ten dusson hemp.
Five gross preenis."

1523. May 22.

Timber was usually carried to the port in foreign vessels. "Torgyle Portar of Townisberg in Norroway," brought a cargo of rafters, part of which belonged to himself. A dispute having arisen regarding the payment of the pilot, Henry Cranston, who held the charter-party for the cargo, "is adjudgit to pay Scots William, steerman, his steerman fee of the haill guids of the ship;" although he claimed "that the skipper free him of the steermaister." A merchant in the burgh held part of the timber, and, to ensure that it should be sold to neighbours at reasonable prices, the Bailies bound him, "and he is content, that the skipper loise[5] his rafters and his togidder on the shore, and how that the skipper sells his to the town, he is content to sell his for the samin price, and nocht to have them to ony other place."

A shipmaster was held bound to deliver his cargo at the first port he arrived at. A timber-laden vessel having approached St. Andrews, the captain, instead of entering that port, hired David Quhite to pilot his ship into Dundee. On his return to St. Andrews, Quhite appears to have been put into prison for piloting the ship

[1] Probably cloth of mixed colour.
[2] Kersey.
[3] I find that in 1552, Henry Ilscur was a glass-maker in Dundee.
[4] Playing cards.
[5] Unlade.

p1

1560. July 20. to another port. Thereafter, his wife came to Dundee and obtained this declaration for his exoneration:—"In presence of James Haliburton, Provost of Dundee,[1] and George Lowell, Bailie, compearit Coundie Lowrenstoun and Swan Andersoun, skipper and merchant of ane Norroway ship of Cummisbak, laden with fir timber, now lying at the port of this burgh, and deponit that, upon the 6th day of July, they chancit to arrive with their ship foranents the Castle of Kynnell be-east Sanct Androis, and there shot their boat and come to Sanct Androis; whair they gat word of the mercat that sic timber gave there as they had, be ane other Norroway man lying at the said port. And, because they considerit that their coming there wald be to their grite skaith in respect of the sober prices whilk timber gave presently, therefore they conducit and hirit David Quhite, citiner of Sanct Androis, to be their steersman to convoy them to Dundee; and they were never solicit be David nor nae other to come frae the said port, but only upon the motive foresaid. And thereupon deponit their bodily aiths without compulsion. Whairupon Jonet Davidson, spouse to David Quhite, askit testimonial to be decernit upon the premises, whilk the judges decernit to be given."

In the course of the sixteenth century wine was regularly imported into the burgh in considerable quantities. It was sold cheaply, and was in common use, no other national duty being imposed upon it than the exaction of part of the cargo for the sovereign's use. I find that, during the reign of Queen Mary, frequent orders were given to the Dundee Town Council "that, when the Bordeaux ships come in," her majesty's taster shall have access to them to enable him to choose wine to furnish the royal table—the importers, for reimbursement, being then authorised to sell their cargo at a certain rate above the fixed price. Claret was the common drink of the burgesses, but choicer vintages were used by churchmen.

1521. July 23. When one of the latter was stocking his cellar, the Bailies "deliverit that David Stewart sall either pay or cause to be payit to Andro Barry five merks and half merk for a barrel of bastart,[2] and five crowns for a puncheon of claret, the whilk Andro deliverit to Sir

[1] The conclusion of the Civil War had just relieved the Provost from his military duties.

[2] A sweet wine.

David Barry, and receivit his obligation thereupon." On the arrival of one of the Bordeaux vessels, it was found that some of the sailors had been tapping the casks, and the owner, "Gilbert Rolland, has stablist in judgment James Kynloch and Maister Dane Robertson, his procurators to pursue Mawins, skipper, and his mariners for the skaith of his wine susteinit in their default—as he alleges."

The French were among the most reputable foreign merchants with whom Scotsmen traded, and they usually did business in a straightforward and honest fashion. In the Dundee Burgh Court 1558. "Nycola Mashr, Frenchman, exponit that Edward Dowgall, burgess Oct. 3. of Perth, be the space of six days syne, coft frae him four half pocks of woad for fourteen pounds the piece, and gave him in arles thereof ane five shillings testane; and now, he delays to come and receive the woad. [And because] Nycola, being a foreigner, micht on nae ways tarry langer, he protestit that he sould incur nae skaith through selling of his woad to ane other merchant." About the same time, "John Messane, citiner of Sanct Androis," sold to "Julius Tarvier, Frenchman, skipper of Ye Angell of Dieppe, lying at the port of Dundee, ane last of herring for forty pounds, and receivit frae him of the said soum thirty pounds; and sould have deliverit the herring within five days therefter." This, however, he did not do, and the skipper, after waiting a month "upon the herring with his ship and mariners, making grite expenses therethrough—and hes tint company"—lodged a complaint with the Bailies, and they, on investigation, found that since the bargain was made "there hes come sindrie times herring to this burgh frae the coast sides, wherethrough it appears that John hes made nae diligence." Then "Julius protestit for costs and damages," and sailed for Dieppe. His protest was sent to the authorities in St. Andrews, and they, on behalf of fair trade and just dealing, caused John Messane to present himself and make amends before the Dundee Bailies; and to them he gave assurance that "he hes shippit in four sindrie ships departing to Dieppe, certain lasts of herring, and hes written his factor [there] to deliver Julius ane last thereof."

There are a number of disputes regarding the payment of freight. 1521-3. William Nicholl, skipper, claimed from William Bawkasky, merchant,

twenty-four angel nobles for the half freight of his ship, and the matter was referred to arbiters, sworn to decide all questions "anent fraucht and other debates pursuit be the skipper on the merchant, and be the merchant on the skipper. And the judges and the parties sall convene this day at efter noon, in James Bois' tavern, and deliver in the premises or the sun gang down." In another contention, there also are cross claims. "As to the twenty-nine shillings claimit be the awners of Ye Peter upon James Kynloch of a cribill and a pype[1] fraucht, it is deliverit, be deposition of witnesses, that there suld be defalkit six shillings, and nae mair, for the skaith of the cutting of the truss it was packit with; and he to pay the rest. Attour, James sall fure[2] in his ship five sticks of claith fraucht free to the said awners to Danskyn,[3] because they fureit sae mony of his in Zeland." A shipowner keeps hold of the goods for their freight. "Andro Mudy exponit to the Bailies that there is certain merchants whilk he was merchant for, and that he has housit their wax, and he asks that he will receive that wax for the fraucht, and protests, gif the said gear get ony skaith or be stolen, that it be in their default and nocht in his."

There was a standing grudge between Dundee and Perth which always manifested itself when any opportunity arose. Will Chaip, the enterprising skipper of Ye Gabriell of Perth, was rather hardly dealt with at the port, and he found himself in considerable trouble. This began by certain merchants raising an action against him "for the skaith of the nocht stowing of four pipes of guids in Zeland," on which, a day was appointed for the skipper "to come to depone in the matter, and in the mean time the ship to remain under arrest till caution be fundin therefor." At the end of six months the ship still lay enforcedly idle, and incurring expenses. "It is deliverit be award of famous persons, the best of the town, that Will Chaip sall pay to Rob Annal ten shillings for labour made on the ship callit Ye Gabriell, unpayit as yet." The tacksman of the port customs likewise charged him for duties and, these not having been paid, arrested the ship's anchor. On this, Will quite lost patience and, seizing the anchor, appears to have made an attempt to carry his vessel away out

[1] A bale and a barrel. [2] Carry. [3] Danzic.

of the unfriendly port. He was, however, frustrated in this, and, being brought before the Bailies, "is amerciate for the breaking of the King's arrest in taking of the anchor of his ship that was arrestit be the customars for the anchorage dues; and doom given thereupon to restore the anchor again to the place where it was arrestit." And besides, is obliged to "find surety to the Bailies that, gif they be challengit for the King's unlaw of the arrest breking, he sall relieve them and keep them skaithless thereof."

The vessels which belonged to or frequented the port, were mostly of small size, and they usually bore names somewhat appropriate and rather poetical. Amongst them I find Ye Tod, Ye Fleand Hart, Ye Lyoun, Ye Lyoness, Ye Nychtingall, Ye Lytill Swallow, Ye Angell, Ye Lytill Angell, Ye Maiden, Sheir Ye Wind, Ye Aventure, Ye Mary Grace, Ye Grace of God, Ye Maria Galland, Ye Sampson, and Ye Primrois.

The market value of some of the ships is recorded. In 1545, "The half quarter of the ship callit Ye Teman was sold for thirty-one pounds fifteen shillings." At a later time James Watson, skipper, 1553-4. "grantit to have sauld ane quarter of ane ship callit Ye Peter for the soum of forty pounds and twa abbey crowns, to John Gardine. The whilk abbey crowns John conditionit to set the quarter of the ship." As in this instance, one or two foreign coins were usually paid at the sale of a ship as arles, or a pledge for the fulfilment of the bargain; just as at the sale of a house, we sometimes find the purchaser paying "ane bawbie" for "a gods-penny." "Andro Robertson hes given Gilbert Quhyt ane double ducat and twa crowns of the sun for setting to him ane quarter, half quarter, and ane sixteenth part of their ship callit Ye Nycholace. And Gilbert hes set his parts thereof for the soum of twa hundred and fifty-three pounds; the tane half to be payit instantly in hand, and the other half at the feast of Sanct Michael." At the death of William Peterson, "William Carnegy grantit him to deliver to James Rollok the ship whilk perteinit to [deceased], with three anchors, cables, masts, rayis,[1] sails, and all other apparels perteining to the ship, as sho comes furth of the sea." This vessel had probably come to James by inheritance.

[1] Yards.

It was usual for the different owners of a ship to sail as seamen in her. A dispute having arisen between John Gardine and his partners "touching the outrigging of their ship, whairof John has ane aucht part; the Bailies, considering the apparent skaith betwix the parties, assign the morn to John to enter and produce ane mariner sufficient able and ganand[1] to sail for his part of the ship, and that because his partners, whilk has the griter part, will nocht be content with John's fallowship; or else, according to the use of seafaring, to set,[2] because he has the least part of the ship." Some difficulty was experienced in finding "a sufficient mariner" to sail for John's interest, and the Bailies instructed "the officers to warn, agains the morn, certain maisters and skippers to avise betwix the parties equally, so that gude order may be had, conform to justice."

1521. Ap. 13. The owners of goods being carried in a ship were held responsible for damage done to her sailing gear by stress of weather. Andro Just, skipper, presented a claim "agains the merchants having guids in his ship, for the skaith of the mast and tackle being skaithit in this raise."[3] While abroad with his ship, Andro had bought from "Thom of Covyntre," a Dundee burgess, "a tow whilk cost four pound gret and eighteen gre, usual money of Flanders;" and this he proposed to charge upon the merchants. The Bailies, however, found that the damage the ship had sustained was much less, and adjudged that, "of the twa hundred and half hundred and twa pund of tackle, a stay [only] to be weighit and aff-stricken," and paid by the merchants.

1522-3. Jan. 14. Andro Smert having brought home some goods in David Gardine's ship, he is charged twenty-five shillings for freight—a charge which he, however, refused to pay; "alleging that he bocht a tow to David with the twenty-five shillings, and offering to prove the samin." But this he failed to do, "for David showit that Andro was recompensit for that tow, whairfore he is adjudgit to pay the fraucht within three tides." Thereafter, "David pursuit Andro for the skaith that he susteinit of his boat that was broken in Andro's default; and Andro, in fencit Court, denyit the samin, alleging sho brak be storm of weather, and nocht in his default. And, efter he denyit this, he producit the

[1] Suitable. [2] Quit. [3] Voyage.

King's letters direct to sheriffs in this part, (and there was nae sheriff's name in the samin), putting inhibition to the Bailies [proceeding], and that they remit the action to the Admiral Court." But David "allegit that the judges suld proceed, because Andrew denyit the action in judgment or the letters war producit; and, whair the letters bure that he has pursuit Andro in this matter before, the narrative is nocht of veritie, because he pursuit him never before this day for the boat; [besides] there is nae sheriff conteinit in the letters, and they are nocht put to nae execution. And he protestit that the letters be keepit in the Bailies' keeping, and nocht mair [writing] put in them nor there is now, and that they be of nane effect because the narration is false, and they are nocht orderly producit." The question regarding the wrecked boat was afterwards referred to arbiters, ordained "to tak the debate on them in the paroch Kirk, and deliver betwix Candlemes day and Fastern's evyn or the sun gang down." Notwithstanding the reference, Andro refused to accept a decision from the arbiters, and the Bailies, holding that they were now precluded from acting and "were nae judges farther in the matter, as it is tane frae them be that arbitration, ordainit David to pass with the action to the judges spiritual, competent judges in the matter."

The cruel sandbanks at the river mouth were then, as now, a terror to mariners. Robert Yong, owner of a vessel which had been wrecked, "hes become actit in this buke to keep David Nicholson and James Richardson skaithless of all claim that may come hereafter upon twa anchors, twa tows, and ane ayre,[1] with certain pieces of broken timmer of ane boat tynt upon Drumlo. Whilk gear David and James wan upon the stream, and hes deliverit to Robert as awner of the boat." The salvors add, "Wha hes contentit us for our saving of the guids." 1554. Sept. 3.

The ferry over the estuary of the Tay—the connecting link between the shires of Forfar and Fife—was always held to be of the utmost importance to the inhabitants of the burgh and to their commercial interests. From a list of sailing boats which plied upon it at the middle of the sixteenth century, we find that they were mostly of a size adapted for the conveyance of horses and heavy merchandise.

[1] Oar.

The accesses to the shore were very convenient for such traffic—there being landing-places on the Dundee side at a point within St. Nicholas' Craig, at the Harbour, and at Crossness, near to the Rood Chapel; and on the Fife coast at Woodhaven, at Steany, the old pier, and at Skarness, now called Craighead. It was not, however, an altogether free passage, for the Kinnairds of that Ilk, who owned the Sea Mylnes at the water side, where Newport now stands, and other lands in Fife[1] and Forfar, from an early time possessed a monopoly of the right of ferry, under which they licensed boatmen to ply on the river, and exacted payment from them for the privilege of doing so. At the time referred to, a tax in the name of the Queen was imposed upon the ferry boats, and a grant of this was conferred upon a person who probably had no other claim on it than that of being a friend of the Regent.

1553-4. Feb. 12. "Anent the Queen's Grace's letters purchasit be Andro Lessells for stenting of the ferry boats, the Bailies hes assignit Mononday next to Andro to bring in the names of all the boats with their births[2] in write; whilk being done, they sall stent the boats, conform to the charge in the letters." The imposition of this tax caused much excitement among the ferrymen, and they made a strong representation against it. "The boatmen attachit and warnit to answer to our Soverane Lady's letters for stenting of their boats for payment of speir silver, allegit and exponit how they war puir servants, occupiers with their awn boats upon the ferry, and daily payit their duty to the awners of the ferry-boat fraucht. And therefore protestit that, gif ony stent beis made upon their boats, they be relievit be the Laird of Kynaird and George Drummond,[3] whilk tak the profit of the ferry boats." Notwithstanding this remonstrance, "The Bailies decernit the ferriers all and haill to compear and hear and see the stenting of their boats, conform to ane roll producit be Andro Lessells, and, failing thereof, the Bailies will proceed to stent their boats conform to justice."

On the appointed day, "It is decernit that the boats passing and repassing upon the ferry of Dundee, pay ilk ane of them sic stent as

[1] In 1565, John Kynneir of that Ilk was appointed keeper of the Haven of Balmerino.

[2] Burdens.

[3] The factor probably.

they are stentit unto be the Bailies, obtempering and obeying our Soverane Lady the Queen's Grace's charge and letters :—

In the first, Andro Just's boat, whilk will fure aucht horse - - - - -	14*s*	08*d*
Item, Henry Nicholson's boat, whilk will fure aucht horse - - - - -	14	08
Item, Thom Thomson's boat callit Ye Skout, whilk fures aucht horse - - - -	14	08
Item, Watte Just's boat, whilk fures six horse -	11	00
Item, Wille Anderson's boat, whilk fures five horse - - - - - -	09	02
Item, David Just's boat, whilk fures five horse -	09	02
Item, the new boat of Sea Mills, whilk fures nine horse - - - - - -	16	06
Item, John Barre's yoll, whilk fures ane horse -	00	22
Item, Gawane Flass' yoll, whilk fures ane horse -	00	22
Item, George Miller's son's boat, whilk fures twa horse - - - - - -	03	08
Item, Baderer's boat, six horse - - -	11	00
Summa totalis - - - -	5*l*	08*s* 02*d*

The whilk money the Bailies ordainit to be gadderit among the ferriers incontinent, and payit to Andro Lessells. And failing of payment, the officers to pass and poind the readiest gear and guids of the disobeyers."

CHAPTER XI.

CRAFTSMEN.

Burghal rights and privileges of the crafts—Their corporations—The Cloth-making industry :—Spinning, Weaving, Fulling, and Dyeing—Bonnet-makers—Tailors—Skinners or Glovers—Baxters—Masons—Wrights Slaters—Smiths—"Warkmen at the Shore."

Before an inhabitant of the burgh could carry on any craft as master, he required to become a burgess or freeman. A competent workman who had served a regular apprenticeship, and was of good character, obtained admission either in right of descent from a burgess, or on payment of a sum of money. At an early time the sum was small. In 1521, a man is "made and sworn burgess for twenty shillings;" but afterwards the payment was much increased. The heir of a burgess did not obtain free admission unless he was of direct descent. "John Myl is convict for the wrangous occupation of the freedom of the town, and in sic pains as pertene of law, albeit he allegit him a burgess heir."

I have already noticed the burghal rights which craftsmen held as freemen, in virtue of which they were associated in the government of the commonweal, and became identified with its interests. Besides these privileges, they claimed that they had a right to share, along with burgesses of the Guild or merchant class, in any special advantage which came to the community; such, for instance, as when unfreemen speculated as middlemen in importing goods, and, the transaction coming to light, the Council would appropriate the goods at cost price, so that the profits should not remain with the speculators, but be for the common interest. A considerable quantity of wine having been imported, and seized in such circumstances, the Bailies gave over the speculation to certain burgesses of position. The

crafts, whose influence in the burgh the events consequent upon the Reformation had considerably strengthened, took objection to this being done, and claimed either to share in the benefit, or to be permitted to buy the whole. For the latter purpose they lodged money with David Gardine, and he, on their behalf, gave arles to Bailie George Wishart with the view of making an effective purchase. 1560. Before the Court, Silvester Ramsay, hammerman, "as he allegit in Ap. 23. name of the rest of the communitie,[1] protestit that nae novation were made anent the buying of the wines being in the Fleming ship, but that the same be disponit equally betwix all persons of this burgh according to their taxations, or else that the soum of ane hundred pound, lying in profit with David Gardine, sall be receivit to the common gude for the said blok[2] of wines; and [protested], gif ony[3] of thir twa offers were refusit, that he nor the communitie wald pay their taxations as they have done in times past." Thereafter, David Gardine "desirit at George Wischard, Bailie, the blok of the wines whilk he allegit wes sauld to him be George—to whom he gave ane dollar in arles [of] the money promisit therefor—and protestit that gif George refusit, he micht have action agains him time and place convenient. To whom answerit George, That he, as Bailie, receivit David's arles offering ane hundred pound to the common gude for the profit of the blok of wines; and, seeing that the same tendit to ane common weill, said to David, That he wald receive and keep the arles and hear the bode for the weill of the town, and mak David sure of the wines gif the neighbours whilk had already coft them, wald be content to discharge their blok. And that he therefter questioned diverse of the said neighbours, requiring them for the common weil to discharge their blok, so that David micht have the wines for the said profit, and that nane of them wald be content except John Wedderburn for his part—and so did his diligence to have causit the blok to have been keepit to David. Therefter, in judgment, he cast to him his dollar given in arles, whilk fell in his bosom, and protestit that he were freed of all condition made be him to David."

Although this claim of the crafts was set aside, another, which

[1] The commons or crafts.

[2] A speculation in bulk.

[3] This word is here used in the sense of "both."

they made shortly after to share in the profits of a ship-load of victual in similar circumstances, appears to have been successful. "Compearit Silvester Ramsay in name of the remanent craftsmen, and offerit them ready to receive their fifth part of the victual being in the ship callit Ye Maiden, and to pay therefor as the town hes presently made price; and offerit them in like wise to receive their part of the meal being thereintil. And protestit, gif it were disponit otherwise, they suld nocht be halden to pay taxations and stents, because they are defraudit of the common profit in sic cases."

There is evidence that from an early time in the history of Dundee, the various trades were associated into separate corporations. These, no doubt, were of much service in furthering the prosperity of the several industries; for, although their main object was to protect burghal workmen from the injurious competition of strangers and unfreemen, by promoting the friendly intercourse of brother craftsmen, they also served the purpose of enforcing good order, and encouraging the improvement of mechanical arts. Besides, each craft, by the provisions of the charter on which its privileges were founded, was bound to maintain the altar and chaplain of its patron saint, and thereby provide for a salutary oversight of the workmen in the performance of their moral and religious duties. Such associations suited the time, and they, unquestionably, did much to promote not only the welfare of the working man, but also the growth and prosperity of the burgh.

In old Dundee the manufacture of cloth was, as now, the staple industry. Hector Boece, writing in the beginning of the sixteenth century, says that in the burgh "mony virtews and lauborius pepill are in makying of claith"—a description which is quite as applicable at the end of the nineteenth century. The cloth was to some extent of linen in different qualities from coarse hardin or harn to the finest fabrics. Home grown lint was always the most highly valued for making fine cloth, but flax from Baltic ports was, from an early time, imported into the burgh in considerable quantities; and various questions come into Court regarding damage sustained by it at sea,

1557. Jan. 18. and disputes concerning its freight. "Anent the four pound nineteen

shillings, acclaimit be William Kinloch upon Robert Quhyte, of fraucht of four shippund and ane half and five leichepund of halie flax lint, whilk come hame in Ye Jonet Lonye, the Bailies hes assignit a day." The article designated "halie flax lint" had, probably, been grown upon the lands of some of the German monasteries. The friars were careful agriculturists and, no doubt, their flax would be highly valued.[1]

Notwithstanding the early production of linens in Dundee—a production which a later time has so largely developed—woollen fabrics continued for long to be by far the most important article of manufacture. These were made of qualities suitable for the various descriptions of clothes worn by both men and women, sometimes in "mellay" or cloth of different coloured yarns, but oftenest dyed of a uniform colour, especially blue. Blankets were likewise woven in considerable quantities. The flocks which fed along the Braes of Angus supplied plenty of suitable wool, this being, Boece says, "sae white and small that it hes nae compair in Albion." The average price of wool was then one shilling and eight pence a pound, while that of flax was one shilling—a proportion which does not correspond to the present relative value of these textile fibres, when wool may be set down as nearly four times dearer than flax. I have already referred to a similar discrepancy between past and present, when noticing the high price of bread in the old burgh as compared with that of animal food. It is evident that those necessaries of life —such as wheat and flax—which could only be produced by the cultivation of the soil, bore, in early times, a much higher relative value than they do now to those others produced from animals mainly fed upon natural grass.

Preparing the materials for the wheel and spinning the yarns were home industries. In the inventories we find mention of "kaims and kaiming stocks," which were the hackles and hackle-benches used for dividing and cleaning the flax fibre so as to fit it for being spun

[1] Jamieson, quoting the expression from "The Aberdeen Register," reads the words "halieflas lint," and suggests that they probably means "Halifax lint." The MS. in the Dundee Court records is, however, quite distinct, and, besides, the designation of the weights shows that the lint was from the Baltic.

from the rock; and also of "cards" or "kaims" for preparing the wool. These latter were portable articles. "Alexr Maill is ordainit to deliver to Merzoun Maidlan ane wool kaim as gude as it wes the time he causit borrow it, or the price thereof, eight shillings." The spinning wheels, of which we find mention in 1521, were the older and simpler machines that took the place of the primitive rock and spindle—as, indeed, their low value would indicate. These had no treadle, and, in using them, the "spinster" turned the wheel with one hand and guided the fibres to the twist with the other. The two-handed wheel—which is said to have been invented in Germany about ten years after this date, and is even yet to be found in practical operation in remote corners of Scotland—is driven by the foot, which enables the spinner to use both hands either in spinning two separate threads, or in producing one of a more perfect character. The increased demand for yarns consequent upon the growth of cloth-making, no doubt, made the burgesses alive to improvements, and we may conclude that the wheels which were in use after the middle of the century had been of the better construction. By that time they had apparently become common in houses. "Jonet Sadler grantit the out-taking of ane spinning wheel furth of Katrine Seres' house within silence of the nicht," for which she is amerciate.

The websters or weavers, sometimes called brabiners, held a good position among the burghal crafts, and, as I have noticed, their altar of St. Severus in St Mary's Church, was well supported by gifts from brethren and fines from those infringing craftsmen's rules. By the charter on which their privileges were founded, it was provided that no weaver be made free of the craft unless he is a competent man, known "to be worthy, and to have gude and sufficient wark lomys." The looms then used in weaver's houses, were the simple machines which have only been superseded in the course of the present century.

1523. May 15. There are a few references to them in the records. "Jok Guild being pursuit be the heirs of umquhile John Bell of certain werk lomys that perteinit to umquhile John, [they] referrit to his aith the getting of thae lomys, and he deponit be the gret aith, that all werk lomys that ever he gat of John's, was given be his awn hand; whairfore he is made quit." "It is fundin that John Makison sall restore to

James Wedderburn's land a wob loom, a chair, and pig[1] that he bocht frae John Christison—the whilk was arrestit for James' mail."

In addition to making cloth for the market from their own material, weavers often worked up the home-spun yarns of neighbours into fabrics for domestic use—an industry which was long known in Scotland as "customer wark." Andro Just did not make a timely 1550-1. settlement with a weaver who had been making cloth for him, and "is adjudgit to pay nine shillings for wirking of wobs to Sanders Murro within twenty-four hours." David Henryson was very dilatory in delivering cloth he had been weaving; and "George Annand, merchant, requirit him to bring hame the web of his whilk he had wrocht, and receive payment for his lawbour; protesting that gif the web made stop in ganging to the [walk] mill, that it suld be repute David's default, because of his lang halding of it in his house." There are some notices of spoiled and faulty work. The Bailies appointed four persons "who are sworn to consider and see the skaith that Rob Lowson alleges twa webs of his has—mynest[2] be Katrine Henrison, or skaithit—and this day to convene, and deliver hereupon." Again, they "decern James Gill, webster, to bring Sande Pigot's wife's claith the morn in judgment, to let it be considerit be craftsmen gif it be sufficiently wrocht." A dispute having arisen regarding the amount of damage done to cloth, James Anderson "is adjudgit to pay to Wat Weir, webster, ten shillings for ane blanket web wirking within term of law;" and, to enable the Bailies to settle the dispute, "Arche Smyth, waulker, is decernit to wirk the stick[3] of claith with all diligence, so that the skaith of the claith may be considerit, as effeirs to equitie and justice."

Already clothmakers had found out various methods of defrauding their customers. Lindsay says:—

> "Find me ane webster that is leal,
> Or ane waulker that will nocht steal,
> Their craftiness I ken."

To provide for the proper oversight of each man's work, the Council devised a system for its indentification. The websters were ordained

[1] An earthen-ware pitcher. [2] Diminished, shortened. [3] Piece.

"to weave in their marks in all webs, to testify that they have leallie and truly done their handywark;" the owners of the cloth were instructed "to cause sew in their marks in the webs or they pass to the waulk mill, to declare thereto that they are true colourit;" and the walkers or fullers were decerned "to seal with lead all claith drest and handelit be them, in signification that they avow the claith undrawn," and neither "creashit, flalit, nor cardit." To ensure the observance of these instructions, a sealmaster was appointed, whose duty was to inspect all cloth and, if he found it sufficient, to seal or stamp it with the common seal. An officer for the purpose of attending to this was continued in the burgh until about sixty years ago.

The walkers or fullers who worked and dressed the home-made cloth at their fulling mills along the course of the burn, and "stentit" it to dry upon the common Meadow and other open places, were an important body to which there is frequent reference. I find one of them giving security for the proper finishing of a web belonging to the worthy burgess who founded the Blackfriars' Monastery. "James
1520. Dec. 31. Meffane oblist him surety for John Disert that he sall, within fifteen days, dicht and wirk sufficiently a sufficient walkit and dichtit web of russat of Andro Abercrombie's, given to dicht to John efter the nature of the stuff." A piece of cloth gets lost through being sent from one walker to another. "David Scot grantit that he receivit a stick of white claith frae Henry Widder, conteining thirty-seven ells of raw claith, the whilk he" had not yet returned, and "is adjudgit to pay" its value, although he alleged that he sent it to a neighbour to undergo part of the finishing process—namely, that "John Donaldson receivit the claith to duff." This, however, John denied, and "a day is assignit him to answer David." But the matter was afterwards referred to arbiters, who, "being sworn, has tane the debate on them, and to deliver on Sunday or the sun gang down." A
1556. Dec. 17. web of household made cloth is sent from landward to be finished, and, for security, the transaction is entered in the court book. "Anent the piece of sey claith[1], white, sent be the lady of Balnomone,[2] to be littit,

[1] This was the ordinary sort of home-made woollen.

[2] The lands of Balnamoon were at this time held in the possession of Robert Carnegie of Kinnaird and Margaret Guthrie his wife.

walkit, and dicht, the whilk James Donaldson grantit the resait of, and that he gave the same to Mathew Donaldson to be walkit and dicht—Mathew grantit him receivit the claith." Mathew had not been trustworthy in keeping his time; for, on a subsequent occasion, we find "Olipher Lindsay protesting that, gif Mathew delivers nocht to him his russat claith this nicht, so that he may pass therewith to the mercat in Perth, [he have] the hieast price that may be had gif the claith had been sauld in the said mercat." Two fullers working in partnership have discorded about settling their accounts. "The assize has fundin that Andro Mudy sall pay twenty shillings till Will Wilson for the occupation of his fattis[1] and his awn labour, and, this payit, ilk ane of them is quit of other, and of small things claimit be Andro on Will of weshing of claiths and wringing of claiths."

1558. Aug. 5. Some cloth had obtained damage at the fulling mill. "The Bailies decern William Quhite, walker, to deliver to Hendry Man his wob of russat gray claith weill and sufficiently dichtit, as it is instantlie, togidder with the soum of fifty shillings for the skaith susteinit be Hendry through the dinging of the same full of holes at the mill"—as is estimated by "four neighbours" to whom the damage was referred. A fuller sold a faulty web to Besse Crail, who "allegit the claith unsufficient in colour and pirnit. But he referrit to Besse s aith gif sho saw the claith with holes and all other faults or sho coft it, and wes content and bure it away."

1558-9. Mar. 9. Drawing or stretching cloth so as to make it measure longer, was an offence which always met with severe punishment. William Clapen, merchant, and William Quhite, walker, "being accusit be William Carmichell that he had seen them at the East Port draw ane [web] of claith perteining to Clapen, they, compearing in judgment, confessit that they were drawing schethis[2] furth of the claith whilk it had gotten [at] the mill; but naither were of mind nor purpose to draw the samin aither in length or breid for defraud of ony man; and Clapen offerit himself ready to bring the claith to be wet, or to suffer what trial anent the drawing thereof the law wald mak." Subsequently, the Bailies found the charge proved "be Clapen's awn confession that he hes drawn and causit to be drawn ane stick of couor-

[1] Vats.

[2] This literally means shut places, that is lirks or creases.

de-roy perteining to him, contrair the acts; whairfore they ordain the pains to be execute upon him—that is to say, to tyne his freedom for year and day, and the stick of couor-de-roy to be escheatit—the ane half to our Soverane Lady's use, and the other half to the use of this burgh." At a later time, William Mylne is decerned "to pay the common gude the soum of sixteen pound for the just avail of ane stick of russat claith sauld be him; because it wes sufficiently proven that he drew and gave command to draw the claith;" and John Smyth, walker, who had aided him in the fraud, is "ordainit to tyne and to have tint his freedom of burgh for the space of ane year."

Carding cloth, that is scratching its surface so as to give it a fictitious appearance of fineness, was also strictly prohibited. The Bailies having called before them the deacon of the walkers, and "requirit him upon his conscience, to declare gif he knew ony of the maisters of the craft that had cardit claith, or drawn claith, sen the making of the acts, he declarit be his aith that he knew perfectly that John Kynmond and James Paterson had cardit claith." On this, they instructed the officers to pass and warn these offenders "to compear before them, and hear themselves declarit to have incurrit the pains."

Cloth, in course of being sent away without the proper stamps, was seized. "The Bailies decern ane [web] of claith of russat perteining to Robert Barte, to be escheatit and intromittit with be the treasurer, because he brak the acts in sending his claith unsealit, and also in nocht putting his mark in the same—whilk wes sufficiently proven."

1558. Sept. 29. I find a record of the various marks which were given to the fullers for stamping their cloth in verification of its quality. "The deacon and the maisters of the walker craft underwritten, grantit and confessit that they had receivit of the town their marks engravit in pylis and cursellis[1] of irne, respective, to be put to all claith to be dichtit be them, conform to the act—viz., the deacon, ane hammer, ane ladle of irne to melt the lead, ane pair of irne cammis[2] to cast the lead with, and four pair of stane cammis, togidder with his awn

[1] Obverse and reverse. [2] Moulds.

mark." Then follow the names of nineteen walkers, and a representation of the different marks cut on the pair of dies delivered to each of them. These are for the one die the individual's initials, and for the other his trade mark, formed of an arrangement of straight and curved lines. The lead blanks for the seals appear to have been cast in two disks, the one having a central projection, and the other a hole. In using them, the projection was passed through the cloth at the end of the web, then through the washer and rivetted; after which, the one die having been placed under the lower blank and the other above the upper, the stroke of a hammer produced an impression on both sides.

Robert Man recklessly injured a web that was stretched out to dry; and was "decernit to mak ane stick of claith of pyle[1] gray perteining to Robert Kid, and dicht be John Sturrock, walker, as gude as it wes or he took out the pins of the same when it wes drying upon the dyke of the Blackfriars[2]—through the whilk it wes riven—or else to content and pay the skaith that is susteinit therethrough." One of the swine which had the free range of the burgh, damaged another web. "Mathew Donaldson, walker, pursuit Thomas Sincler, werkman of the shore, for the riving of ane stik of black claith be his swine; [and it] is clearly proven that his swine did the skaith to the claith." The amount of damage was referred "to the sicht of four men," and, at the end of a month, the Bailies "decernit Thomas to deliver to Mathew his swine whilk rave Mathew's claith, or else to pay the skaith of twa ells riven be the swine."

The large shears with which fullers cropped the surface of cloth, were costly. Hew Nesbit, burgess of Edinburgh, pursued Andro Smyth and Patrik Henderson "for the soum of thirty-four shillings for ilk pair of nine pair of walker's shears, coft and receivit be them frae Hew." This payment they were decerned to make; and besides, Hew "protestit for costs, skaiths, dampnages, and interest susteinit be him in the action." These shears required frequent sharpening, and a house was provided with necessary implements for doing this. In 1560, payment "is made in name of the brethren of the walker craft, of certain mail for ane house wherein they grand

1560-1. Feb. 7.

[1] Pale.

[2] This would be along the west side of Long Wynd.

their shears." The records of the hammermen show that about a century later, that craft took charge of the sharpening, and "furnishit and maintained ane grindstone for the grounding of walker's shears, the price of ilk pair to pay two shillings;" and they protested against any others "setting up a stone attour the town" for that purpose.[1]

The litsters or dyers, who were closely connected with the cloth-making industry, formed a craft of considerable standing. The colours of fashionable garments were not then so diverse as they afterwards became, and we find that the dyers worked most commonly in blue. This dye was derived from woad—an article of considerable commercial importance in the burgh, to which we find

1521. Nov. 20. frequent reference. "Robert Daise grants that he sauld his half pok of Albe[2] wad, bocht frae the Spangeartis,"[3] to James Crichton, "the whilk James asks to be made gude [to him], according to justice, for sixteen shillings the hidd"—the price at which, he alleged, Robert bought it. Robert, however, demurred to admit this in Court, but the Bailies "deliverit that he suld answer" James' claim presently. Then "his forespeaker answerit that because the proofs are in Zeland, he may have a day—whilk is year and day, according to justice, for proofs utoth[4] the realm—and till they war provit that he suld nocht be compellit to mak the wad gude for the price." In reply, James' forespeaker "askit the Bailies that Robert be compellit, as be use of merchants in burgh, to mak gude" the bargain now. The Bailies, however, "continuit the matter till the Provost's hame-coming," because Robert "rebuttit them in judgment be his advocate, and also for very waikness of Court."

1522-3. Feb. 27. David Spens, a young dyer, having been turned out of doors for spoiling work, came into Court "alleging him John Bennat's prentice, and his years unrun out, and that John will nocht give him meat nor drink nor service." To this John answered "that howbeit he war prentice, [yet], be his demerit, certain curtains wet of David Lyn's, being littit are, through his assistance and wan,[5] [spoiled], and are given again to David Lyn and his wife; the whilk he has tane to prove." So the Bailies assigned a day two weeks later for this, and ordained that, "in the meantime, he sall either sustene Spens in meat

[1] Warden's Burgh Laws, 485. [2] Italian. [3] Spaniards. [4] Out of. [5] Defect.

and drink, or give him six pence ilk day to sustene him on, togidder with four days expenses that he wants," on him finding caution that, "his demerit being provit, he sall refund the expenses to John." At the adjourned Court, "the distance[1] betwix John" and his apprentice was referred to arbiters, who were enjoined "to deliver thereintil before Sunday next or the sun gang to rest."

The master dyers themselves sometimes made bad work. When "David Carmano pursuit Rob Huchon for the soum of three pound three shillings for litting ane stick of green claith, and ane stane of blue wool, Rob grantit the debt, but allegit his claith and wool spilt in David's default; and he taks to prove the same." The use of injurious colours was strictly prohibited. The Bailies, along with "others of the honest neighbours, hes convictit Katrine Duncan, relict of Robert Greif, and Walter Jameson, litster, for using false colours and birselding[2] of wool, and hes decernit them to have incurrit the pains; and that Katrine sall pay to the common gude the soum of four pound, and Walter sall be dischargit frae all wirking within the burgh till he compone anent his freedom."

A litster having got a goodwife's mantle to dye, he kept possession of it till he should be paid for his labour. "It is fundin that Robert Butter's wife suld mak payment to David Shakmontane, litster, for his handling and expense, extending to five shillings one penny, and outred and mak free the mantle halden be him for the debt." An officer with the money, was then sent with her to get the mantle redeemed, when David, irritated at having to part with his pledge, threw it into the mill lade among some wool which she had been washing. On this, the Bailies ordered the money to remain in the officer's hands until "sho prove the skaith susteinit be her, and done be David to her wool, in the mantle casting in the lade amang it." A piece of very broad cloth which had been sent to a dyer, went amissing. "Anent a piece ten quarters braid of white claith, given be Alexr Wichthand to lit to Malkyn Fawnis, and allegit away," a day "is assignit to the parties to ger bring the claith back again—gif it can be apprehendit—and, gif it can nocht be gotten, Alexr to produce his proofs of the avail of it."

[1] Difference.

[2] Birsell was reckoned an injurious dye.

Regarding the value of cloth in the old burgh, I find that, in 1521, "John Neisch is adjudgit to mak payment till John Scot of eleven pound for twenty-one ells of green, and thirteen pound for twenty-one ells of black, and all that is our—ell, half ell, or quarter—on ilk stick, to be payit of the foresaid prices."

The making of broad blue bonnets was an occupation which gave employment to a large number of persons in the old burgh. The bonnets were knitted of worsted, and then shaped and made compact by the action of fulling—processes so simple and easily carried on in the household, that many of them were surreptitiously made by unfreemen; which caused considerable trouble to the regular craft, and frequently occasioned actions against offenders. Sande Key, having
1521. Nov. 20. been convicted for this offence, "offerit himself content, an he be fundin wirking or labouring ony bonnets in time to come, that the bonnets he wirks be escheat to Our Lady werk—but gif it be under ane maister of the craft." In the course of time, bonnetmakers established themselves in considerable numbers outside the jurisdiction of the burgh, along the aclivity of the Hilltown or Rotten Raw, which, in consequence, became known as the Bonnet Raw or Bonnet Hill; and there the trade peacefully maintained a foremost place till quite a modern time. This locality long preserved some of the simpler characteristics that distinguished old burghal life. The houses, which were usually covered with thatch, stood fronting the south, each in its own kailyard a little removed from the roadway, and on this open space under the shelter of the gables, the families of industrious bonnetmakers—probably three generations together—used, when the weather served, to sit knitting early and late as their ancestors had done a long time ago. All has, however, now been changed, and this very simple household industry no longer exists. Broad blue bonnets have almost ceased to be worn, and such as are made do not give occupation to the nimble fingers of gossiping groups sitting under the gable ends of the old Bonnet Raw. The locality has, indeed, lost nearly the whole of its primitive aspect; and the curious houses themselves have almost altogether disappeared before the encroachments of modern city life.

Although the tailors of the period worked among very durable materials, and there were then no erratic changes in the fashion of garments, yet, as their business was to make the clothes of women as well as men, they formed a numerous craft which held a good place amongst the others. They usually followed their calling in the houses of their customers, but were also found in workshops. "John Stewart, talzour, grantit that he set to Walter Car ane sufficient talzour buith, and Walter protestit, gif the buith be nocht halden sufficient without impediment of reik of the nether houses, that he may provide at this next term for ane sufficient buith in some other place."

Here is the record of a contention regarding the infringement of some of the tailors' privileges by one who had worked at the craft until its designation had become his own surname, and, no doubt, served as such to his posterity. "Anent the pursuit of the deacon of talzours and the craft on Brunan Talzor, be a bill of complaint that he suld have incurrit the pains conteinit in their letters for purchasing of maistership;[1] at the bar, James Wedderburn, forespeaker for Brunan, has taen the bill to be avisit with, and the Bailies has assignit to the parties" a day; "and Brunan to answer as law will." At the adjourned Court, "Will Murray on the tane part for himself, deacon, and for the hail craft—the maist part being present—and Brunan Talzor on the tother part, the Bailies, for staunching of pley," referred the dispute to arbiters, "wha sall convene in the paroch Kirk, and tak the matter on them—in special certain faults allegit be the deacon and craft that Brunan has incurrit—all appelation and exception of law spiritual or temporal, away put and never to be heard in time to come." 1522-3. Jan. 29.

The common method of working in customers' houses throughout the burgh, gave facilities for unfreemen surreptitiously following the tailor craft. To detect these illegal interlopers, the Bailies introduced a system of domiciliary visitation, and "commandit the officers to pass with the deacon and brethren of the craft and search and seek all unfreemen that wirks of their occupation, what time they are requirit, and pass and comprehend them." And again, on "the com- 1551. July 7.

[1] This was their charter of incorporation from the Town Council.

plaint made be Thomas Kid, deacon, and his brethren upon unfreemen tailzours whilk wirk and occupy their craft, the Bailies ordain their officers to pass with the deacon and his officer to search all outmen tailzours wirking their occupation, and cause them find surety to answer as law will." Ultimately, a number of unfree tailors, as well as bonnetmakers, found refuge in the Constable's domain of the Hill-town, beyond burghal jurisdiction, and there, for a time, pursued their calling much to the discontent of the regular craft.

We have seen that the deacon of the skinners or glovers looked well after the dues which belonged to the altar of St. Duthac, their patron saint. He also took active measures against any unfreemen occupying the craft. In one instance, I find him interfering to
1521. Oct. 30. prevent unfree hired men from working to a master. Andro Law complained to the Bailies "on the deacon of the skinners for the stopping of certain taskmen to mak service to him of the craft, and on thae persons that have his money and refuse to mak service to him." This raised an important question regarding the rights of labour altogether beyond the privileges of crafts, and the Bailies, for "waikness of Court," adjourned the proceedings for a week; warning "the parties, follower and fenders, to compear." At the adjourned Court, "it is fundin be an assize that the deacon has wrangit Andro in the stopping of the taskman to wirk their werk, and doom given thrice upon him for the samin and he till upset[1] the skaith susteinit therethrough. And the taskmen sall wirk to [Andro] in time coming, as weill as till ony others, as they did of before." Thus establishing the right of freemen to employ unfree workmen.

Complaint having been made by the owners of "a bark pot" or tan pit that their tenant did not remove when required, but had continued "in wrangous occupation [thereof] without assedation[2] of them; it is fundin be an assize, that Andro Wichthand suld bruik the pot for this year instant for his mail, because he was nocht warnit lawfully at Witsunday last to devoid the samin, and because he is inclusit within terms be the laws of burgh."

Some skinners in making their tan pits had spoiled or diverted

[1] Make good. [2] Lease.

the water of a neighbour's well, and the Bailies, "anent the claim of troublance and taking away of a well frae Elizabeth Kyd, relict of John Walcar, [as shown] be her bill of complaint on Will Rolland and his colleagues, skinners, has assignit the morn efter the Head Court day next to them to answer to the bill—tane to be avisit with." Nothing is said regarding the decision, but there continued to be frequent troubles in the burgh concerning skinners' pits, until the craft constructed a tannery for preparing all white leather beside the Wallace burn, not far from St. Roque's Chapel. For the credit of the town, the Bailies took oversight of the skinners' work. James Abirnethy, having been convicted "for selling of evil barkit leather, grants, an he fall in sic fault in time to come, that he sall pay forty shillings to Our Lady werk in and for the said fault."

There are some particulars regarding transactions in skins. 1522-3. Feb. 20. "James Fothringam grants to give James Cunningam the lot of the auld pets[1] that is in his hand, and the copy [of the names] of them that has the lave thereof, so that he may pass to Sanct James;[2] and Cunningam has promisit to pass to Sanct James the erast[3] that he may pass." Andro Murdoson is decerned "to pay Thomas Robertson, burgess of Perth, the soum of forty-one pound, resting awing of the complete payment of five score of goat's skins and five score gross leather points, coft and receivit be him frae Thomas at the Midsummer[4] last bypast." The fleshers appear to have sometimes sold their skins by contract. We have seen that "Sande Barre conditionit his slaughter skins to Thomas Maxwell of the same price that Ersche Patre sauld his."

The cordiners or shoemakers at an early time were protected in the excrcise of their craft by a charter from the Town Council. In 1522, "James Abirnethy, deacon of the cordiners, and the craft compearit in judgment, and gave up [the names of three unfreemen] to the treasurer that have set up buiths; and protestit that they tyne nocht the privilege of their letters that they have of this gude town, through them and others setting up buiths." Subsequently the Council fixed the prices of shoes according to the value of leather.

[1] Or pelts, sheep skins.
[2] Probably the market at St. Boswells.
[3] Soonest.
[4] A market at Perth.

1521-3. At this time there were as many as fifty master baxters within the burgh, but they did not all have separate bakehouses—it being common for a number of them to join together and occupy one. "It is fundin be the sensment of the Court, that [five persons] are colleagues and tacksmen togidder with John Logie's wife in her bakehouse, and that they sall bruik, still, and occupie[1] the house for the year in to come; and whilk of the five, or John's wife, fails in their baking weekly, to pay six pence of dry suconage."[2] There were also other five "in a bakehouse perteining to Robert Seres," and they were "adjudgit to pay share and share like, ilk ane their part of nineteen shillings of mail."

A bakehouse having been destroyed by fire, the owner, "Sir John Carmano, chaplain, pursuit [three master baxters] for the reckless burning and the skaith thereof. The assize having seen the law thereupon, be the law of burgh and the deposition of witnesses, maks quit the said persons of the burning, and finds it done be ane servant, and nocht be them; whairfore they are absolvit." Then the baxters "protestit that they may have regress to the costs and expenses that they have made upon the bakehouse of Sir John, because it was nocht in their default." Afterwards, Sir John "pursuit John Gray as ane unlawful servant in the bakehouse, because, he allegit, he was art and part in the burning of it, and producit witnesses to the assize. It is, [however], fundin that John is quit and clair, and had nae wite of the burning of the bakehouse." So the chaplain obtained no redress.

1524. Aug. 30. The deacon and the craft were careful to prevent an apprentice from working unless in the charge of a master; but, in the absence of John Wallace, they "licencit John Donaldson, his servant, to use all service in baking and other service as he usit before, till the feast of Sanct Mechell, but ony interruption of them. But, gif his master come nocht hame at Mechelmes, he sall be dischargit of baking, and be free to mak all other service—but gif he behoovit to be a lawful prentice." Robe Gormow, having quarrelled with Georde Kynmoth, his apprentice, offered to take him back "to the ische of his seven years, as he that has fulfillit twa years thereof," (thus leaving out of account some additional time he had served), "he paying the rest

[1] Enjoy, hold, and possess.

[2] The fine incurred for evading a bond.

of the money that he suld have for the learning of him." This, however, the apprentice would not agree to; "and, sen he has refusit, gif that he will be free, Robe is content that his prentice be free." By the acts of the baxters a young man was prohibited from marrying during his apprenticeship, unless he had the consent of the craft; but, as we have seen,[1] David Ogilvy having, in 1534, been expelled for this offence, on appeal to the King and the Court of Session, he was reinstated on suffering a merely nominal punishment.

In the records there are a few particulars regarding the building trades of the burgh in old times. We have seen that, in 1536, when the Council contracted with George Boiss, mason, to work at the Kirk work, although the particulars of his hours and holidays were specified, they are declared to be "the samyn as the auld use and consuetude of Our Lady Luge of Dundee;" and the terms of his payment are likewise to be "efter the auld use of Our Lady Luge;[2] which shows that the regnlations established by freemasons were already recognised as rules for the working craft. Those employed at public works were required to be very attentive and steady. "Andro Thomson is content, an he be away frae the common werk that he is feeit to, till the ische of his term, but leave of the maister of werk, to pay twa shillings for ilk hour that he is away." Masons appear to have sometimes been boarded with their masters. "The Bailies convict Thomas Thomson, mason, in the striking and invasion of James Edeman within his awn bounds, and thairfore ordain him to pass to the Mercat Cross and ask James, upon his knees, forgiveness of his trespass; and inhibit him to do the like in time coming to ony neighbour that he taks meat and fee of, under the pain to be banishit."

At this time there were considerable quantities of East Country timber imported into the burgh, and we have some information regarding its value. "Robert Seres is adjudgit to pay ten shillings to George Rogh for twenty buirds that George has payit double to 1521. Oct. 11.

[1] *Ante* page 281.

[2] This Lodge, as we have seen, stood in the Nethergait at the bottom of what is now the School Wynd. After the Reformation its name was changed from "Our Lady Luge" to "Ye Mason Luge."

him of the Norowa man's—as is fundin be the assize." Robert "askit to be warrantit be the Norowa man of the ten shillings," but the Bailies refused to make any order for this. They fixed the prices that were to be allowed for sawing wood. "It is decreetit that all sawers in this burgh sall, in time to come frae this day furth, tak nae mair but twa pence for the draught of the rafter, and three pence for Eastland buirds, and three pence for deal buirds, and all others siclyke effeiring thereto."

The Bailies admonish a lazy wright to be more diligent at his work. "Anent the complaint made be Henry Nicholson and David Jak upon Wat Blak, timmerman, Wat referrit to Henry's wife's and David's aith gif he wes nocht halden idle in their default, wha deponit that he wes nocht idle in their default, but in his awn. Whairfore the judges decernit Wat to perform and end his lawbour in contentment."

Coarse gray slates, of which there were considerable quarries near by, were generally used for roofing houses in Dundee—thatch not
1521-2. being so common as in several other towns. At a time when work was plentiful, the slaters increased their charges considerably; but the result was that others came from distant places and worked at lower rates. This had the effect of bringing those within the burgh to reason, and they compromised the matter by agreeing to lower their charges on condition that the interlopers were expelled. "Will Sklaiter," (who, no doubt, in youth had been known as Will the sklaiter, but now had the surname regularly), "Dave Quhite, and the lave of the sklaiters has tane to come before the Provost and Bailies and tak a reasonable price for their lawbour and darg,[1] as other burghs give; and the town to expel all out new come sklaiters, so that they have servants to fulfill the lawbour of the town." At the meeting with the magistrates, it was settled that each of "the sklaiters dwelling within the burgh now, sall tak nae mair but twa shillings for him and his servant in the day—sixteen pence himself and eight pence his servant—and that nae other out sklaiters in time to come, come to the bounds of this burgh to wirk."

[1] Day's work.

After the settlement of the dispute, I find Will Sklaiter agreeing "to enter the morn next to come and theik a half ruid of thak of sklaits on Nicholl Watson's house; and, when he has completit it, Nicholl sall pay him full payment thairfor; and, gif he enters nocht incontinent to the werk and werks nocht furth the same—Nicholl finding sklaits, lime, and necessars—he sall pay twa shillings for ilk day that he bides frae the werk. And an Nicholl maks him nocht payment when the werk is wroucht and mett,[1] he sall pay him twa shillings for ilk day that he wants payment. To the whilk fulfilling, the parties are bundin till other be the faith and truth of their bodies."

There were careless workmen in those days as well as now. "David Quhyt and Robert Meill are sworn to bide the deliverance of arbiters anent the distance betwix them—that is the insufficiency of a kiln theiking, theikit be David to Robert, and faults thereof, and of the silver resting awing to David thairfor." At a later time, I find "John Broun, serurgian, hes tane to prove that David Hay, sklaiter, pointit nocht his houses sufficiently, but pat twa or three lads to the lawbour, whilk left them waur nor they enterit with them." On hearing evidence, the Bailies "decernit David to mend the drops in John's ludging."

The hammerman trade comprised all craftsmen who worked in metals. In the earliest extant roll of those belonging to it in Dundee, of date 1587, we find that Smiths, Lockmakers, Swordslippers, Guardmakers, Cutlers, Gunmakers, Goldsmiths, Pewterers, and Lorimers are named.[2] The most important of these artificers were the smiths, who made the multifarious articles of iron which are necessities of civilised life. They usually worked each in his own booth, but it appears to have not been uncommon for them to merely rent an anvil. "The Bailies decern Henry Lowson to deliver to Silvester Ramsay ane iron studie, with eight shillings eight pence for mail of the said studie in the year last bypast effore Allhallowmes; togidder with twa pence weekly sen syne till he deliver the studie." "John Wod, smyth, grantit him have receivit frae the hands of Alexr Smyth, elder,"

1555-6. Feb. 3.

[1] Measured.

[2] Warden's Burgh Laws, 473.

(whose surname had come from his craft), "in penny and pennyworth the soum of six pound ten shillings; and hes sauld and deliverit in contentation of this soum, ane studie weighing nine stane wecht or thereby. And efter the delivery of the studie and ressait of the samin, Alexr sets, and for mail lets the said studie to John for five shillings ilk term. And failing payment at the term, or within fifteen days, John to deliver to Alexr the said studie to be disponit at his pleasure."

From an early time there has been a considerable number of men employed at the harbour in loading and delivering ships, called "warkmen of the shore," and sometimes "pynours" or labourers. These men, who always have been of a respectable class, about the end of last century formed themselves into a society for mutual benefit, similar to those of the regular crafts. This was not, however, the first formation of such an association, for I find that one existed among them before the middle of the sixteenth century; and that it was recognised by the Town Council. In 1552, when the ruined choir of St. Mary's Church was being roofed over, the Bailies, as we have seen, "decernit the deacon of the werkmen of the shore" to send eight "persons to wirk at Our Lady werk whenever they be chargit" —probably in lifting the heavy timbers. The "warkmen" were held in jealous disfavour by the various corporations. On one occasion when walking in procession with a display of insignia, they appear to
1558 June 6. have been attacked by some of the trained crafts, and their banner wrested from them. It was only after complaint was made to the magistrates, that "Alexr Carnegy, collector of the crafts, compearit and actit himself to deliver to the Bailies the warkmen's banner or handsenge, betwix and Thursday next to come, to the effect the samin may be deliverit to ony person having richt thereto."

CHAPTER XII.

OFFENCES AND THEIR PUNISHMENT.

Evil speech—"Mispersonation"—Slandering—Violence of viragos—The tolbooth beads—The cuck-stule—"Stroublance"—Penance in the Church—The stocks—The Bailies' unlaw—The "leech-craft"—Offences committed under night—The tolbooth made "a house of fence"—Wearing swords—Combats—Offenders from landward—"Assythment for blude wite"—Fraud—"Pickery"—Theft—Reset—Banishment—Whipping—Burning on the cheek—Death by drowning.

It is somewhat surprising to find that at a time when turbulence and lawlessness were generally prevalent in Scotland, there was so little social disorder and crime within the burgh. No doubt there were some offences of a serious character which, having been disposed of by the Great Assize at its occasional sittings, are not referred to in the Burgh Court records, but there is reason to believe that these were few. This regard for good rule was due, in great measure, to the system of paternal government then in force, which, being usually recognised by those under it as of unquestionable authority and for the common weal, was therefore found to be effective in promoting the observance of social order. It carefully provided for the due administration of justice,

> "And of the better sort the best preferr'd,
> To chastise them against the lawes that err'd;"

and this secured respect for the laws and honour to those who administered them. The magistrates invariably considered the charges made against offenders with great care, and inflicted punishments with much discretion, so that, although their judgments were sometimes severe and often grotesque, there was a flavour of fatherly discipline about them which well served the purpose of salutary

correction. None of the records of these offences and their punishments are without interest, and many of them contain incidental references to the burghal and domestic life of old Dundee which may be useful as historic illustrations.

Among the lesser offences which came before the Burgh Court, there were none that more severely exercised the patience of the city fathers than those which proceeded from hasty words and the
1521. Dec. 4. unbridled use of voluble tongues. Reche Crag, baxter, having been amerced for selling bread under weight, lost his temper and "mispersonit the officer, saying, That he had false weights to weigh his bread with. For mends he is ordainit to come on Sunday next in time of the hie mess with a candle of a pund of wax, [to be offered] at the will of the judges, and ask him forgiveness, and say, That the word was false he said." James Cunningam entered an action against "John ye Hay for the wrangous mispersoning of him with despiteful and evil language;" but means were taken for settling the matter out
1554-60. of Court. "William Scrymgeour grantit that he callit Rob Jak smaik,[1] at his awn buith door; whairfore the Bailies refer the punishment thairof to the Council." Jak, as we have seen, was a man of burghal importance, and a foreign trader on a large scale, so that making such a charge against him, although probably justifiable, would be treated as a serious offence. He himself was not, however, chary in using opprobrious language to others, for, not long after this, "Thomas Stewart took acts that Robert Jak has injurit him in judgment, calling him gymper,[2] agains the fame of ane honest man; and thairfore protestit for remeid and justice." James Denman having unwisely uttered reproaches against Olipher Lindesay, notary, "the Bailies ordain him to pass to the place whair he injurit and blasphemit Olipher, and ask him forgiveness, and also pay to the maister of the Hospital twenty shillings, to be given to the puir folks; and gif he be again apprehendit with the like, to be banishit this burgh year and day." Sailors are proverbially rash in their speech, and Alexr Doig, mariner, on no other evidence than rumour, is reckoned guilty of using evil words against others. "The Bailies, with the advice of certain honest neighbours, find be bruit, open voice, and fame that he

[1] A mean fellow. [2] A subtle person.

hes spoken slanderously and irreverently of diverse honest persons within this burgh, to their defame; and ordain him, with [his] consent, that gif he be ever apprehendit speaking ony injurious words of ony honest neighbour, that he be scurgit through the burgh, and banishit for ever during his life time."

Uttering slanderous aspersions against a woman, usually met with stern reprehension. "Jonet Forbas askit act that Thom Young said, Sho was nocht a famous woman, and was a broken woman; and protestit for remeid of law," and, no doubt, obtained it. John Robertson came impetuously into Court, and "hes tane to prove that Katrine Butchar is ane evil woman, and hes borne ane bairn by[1] her husband sen he marreit her; and to his probation the Bailies hes assignit Wednesday." John, did not, however, attempt to lead evidence; for, at "the term assignit to him to prove ane pretendit allegance made of before agains Katrine Butchar, [he] compearit and revokit the allegance, and allegit that the samin wes nocht of veritie, but that he said the samin in ire and crabbitness efter drink, and that he knaws nocht of Katrine but honour; and referrit him in the Bailies' will, and renouncit all probation." John's wife, Jonet Kay, appears to have first uttered the slander in "ribbald flyting," and she and he were "adjudgit to come instantly to the Mercat Cross, and there ask Katrine's forgiveness upon their knees. With intimation that gif Jonet beis fundin be day or nicht blaspheming ony man or woman, [she will] be banishit this burgh."

The women of the period were more accomplished in the use of evil speech than the men, some burghers' wives having, indeed, attained a proficiency in vituperation quite beyond the capacity of the viragos of the present day; although they may not have excelled them in simple imprecation, in which they failed to specially distinguish themselves; but this may have been because they reckoned it to be an ecclesiastical function. Besse Dog admitted her particular fail- 1520-3.
ing, and "grantit that an sho, in time to come, provoke with sklanderous language or outrageous, Robert Fife, his wife, or ony other neighbour there about dwelling—that being provit—to be banishit the town for year and day." Two wives, having had a gentle passage

[1] Away from.

T[1]

of words, are "inhibit that they neither flyte nor strouble ane another in word nor deed, under the pain of five merks till the Kirk werk." The neuter gender was not yet in ordinary use, and I find that the tongue had naturally been classified as feminine. "Jonet Crag, for the wrangous mispersoning of Will Gibson's wife, is ordainit, for the mends, to pass to the Mercat Cross and say, 'Tongue sho leeit,' with the beads about her hals,[1] on her knees; and pass with the beads about the town." The tolbooth beads appear to have been a feminine decoration after the nature of a rude and heavy rosary, which was derisively hung on the neck of a termagant while she made a promenade through the burgh, to indicate the nature of her accomplishments. The spouse of Sande Burn "cam openly to the Mercat Cross in presence of the Bailies, and grantit her fault that sho had callit James Wichthand, [one of the chaplains], thief, and that it was false, and said, 'Tongue sho leeit,' and askit him forgiveness, and grantit that an sho be provit missaying him in time to come, to be banishit the town." "It is clearly proven be famous witnesses that Agnes Thomson hes stroublit Elene Cant, and hes dung her and her son. Whairfore sho is adjudgit to pass to the Cross and ask Elene forgiveness, and say again the injurious words sho hes said, and that sho knaws her for gude and nocht else; and gif sho fails to Elene in time to come, to be banishit." Two neighbours, John Anderson and Tebe Mechell, are amerciate for stroublance, "and it is ordainit that an ony of the twa, John or Tebe, strouble other, or an Tebe come in John's house and provoke him to stroublance, they sall pay forty shillings till our Lady licht."

Husbands were sometimes made responsible for the future effusions of their wives tongues. "Will Ferquhar for his wife is bundin, and John Bowar for his wife and dochter is bundin that an ony of them provoke others in time to come to reballing[2] or sklandering, the faltours sall pay twenty shillings to Our Lady licht for their wives or bairns on baith sides, and eight shillings of unlaw." A husband might receive the amends due to his slandered wife. "Elene Bunshe failit in the blaspheming of Alexr Aleson's wife, and sho is adjudgit to sit down on her knees and ask Alexr forgiveness, and

[1] Neck. [2] Using ribald language.

present to Our Lady ane candle of ane pund of wax. And gif ever sho blasphemes or mispersons ony of her neighbours, to be banishit for ane year." A wife's evil character became lastingly associated with her husband. William Rannald being about to leave the burgh, "the Council decernit that nae testimonial be given to him. And gif he lawbours for ane, that it be made conform to his wife's demerits, and specify whairfore sho wes banishit this burgh for ever."

About the middle of the sixteenth century, the cuck-stule, a special device for the correction of noisy and vituperative women, was, for the first time, introduced into the burgh. It was set in an open position beside the Market Cross, and in its seat of contempt those who had afflicted their neighbours with sharp and virulent tongues were, for a salutary punishment, exposed to public derision. On its first erection, the Bailies seem to have expected that the threat of a seat in it would have been sufficient to suppress the evil speech of viragos. "Inhibition is put to Jane Card that sho desist frae further blasphemation of David Nicholl and his spouse, with intimation that, gif sho uses sic injurious language as sho hes spoken to them or their servants, sho sall be put in the cuck-stule, and sit there until twenty-four hours"—a length of time which had been named to make the punishment more to be dreaded. At the same time, Agnes Braks having been accused "for mispersoning William Lesle, webster, and witnesses being producit [who] declarit that sho had rehearsit the words conteinit in [his] bill of complaint, the Bailies adjudgit her to pass to the Mercat Cross when the Court rises, and there openly refuse the said words, and [say], Sho kens nae thing to William but lawte[1] and honestie. And, in time coming, gif sho committs sic sklander upon him or ony other neighbour, to sit in the cuck-stule twenty-four hours." Similarly, Besse Spens is admonished "that gif ever sho be fund flyting with ony neighbour man or wife, and specially agains Jonet Arthe, that sho sall be put on the cuck-stule and sit there twenty-four hours"—and this although Jonet was herself a randy who had abused John Mason, and was "decernit to ask his forgiveness, and hes now said, Sho knaws him for gude and honestie and nocht else." Two adversaries alike voluble and violent,

1550-60.

[1] Legal conduct.

are also threatened with the detested seat. "Anent the claim of infamie and injurie given betwix Jonet Brechine and Margret Daveson, the judges hes ordainit them to ask ane the other forgiveness, and hes inhibit them to invade other in fechting or flyting. Certifying them that wha first invades the other, sall be put in the cuckstule." A seat in the chair at the Market Cross was at first reckoned a punishment equivalent to banishment. Elene Dave is warned "that gif sho mispersons John Fell or his wife or ony other neighbour, that sho sall be banishit this burgh, or else sit in the cuck-stule twenty-four hours."

By and by, some serious cases of slander having occurred, it was found necessary to put the stule into practical use. "Barbara Smyth is adjudgit to sit in the cuck-stule for the mispersoning of Mirabell Gledstanis, during the Bailies will." Again, "Isobell Wichthand is decernit to be put in the cuck-stule for calling of Jonet Hay, hwre; and gif sho beis fundin mispersoning ony neighbour in time to come, to be banishit." Still further, the Bailies "ordain Kirstane Allar to present her in the cuck-stule, there to remain for the space of four hours, for bauderie and blasphemation spoken agains diverse neighbours; and charge her to forbear frae [such language] in time coming, under the pain to be banishit for her lifetime."

1521. The outrageous women of the period did not confine themselves to mere evil speech, for we find some of them committing assaults upon their neighbours. Jonet Grenlaw is found guilty "of stroublance and riving of Agnes Quhit's claiths." "Jonet Rynd [or Rund], James Tawburar's wife, is amerciate for stroublance of Jonet Huntar, and sho is ordainit to bear the tolbuith beads through all the town, and to pay the leech." Agnes Gardynar is convicted "for stroubling Besse Mesan, and doom given thereupon; and for the mends of her face
1551-6. hurting, sho is ordainit to give her five shillings incontinent." Jonet Keill, having assaulted a child, becomes bound "for the payment of twenty shillings to Our Lady werk, gif ever sho commits sic fault as strike ony man's bairn at her awn hand." Jonet Baxter "is adjudgit to come to the Mercat Cross at twa efter noon, and there ask Jonet Sewane forgiveness; and gif sho strike Jonet in time coming, to be banishit for year and day." Marjorie Richardson "is convict for

stroublance of John Charterhouse, and is adjudgit to pay him ten shillings for amends and expenses; and gif ever sho be fund flyting or stroubling ony neighbour or stranger within this burgh, to be banishit." A violent woman outdoes these viragos by using a lethal weapon. "Jonet Card is adjudgit to pay ten shillings within term of law to Gill Davidson for the hurting of her with ane knife, and failing, and sho maks nocht payment, to be banishit."

The most common offences against good order within the burgh, were the noisy brawls and petty assaults which are characteristically described as "stroublance." They were not, as in modern city life, the usual result of drunken orgies—for drunkenness had not yet become a national vice—but proceeded, mainly, as we might expect to find at a rude and uncultured time, from hasty words which easily led to wrangling and quarrels. While the old Church held sway, the magistrates, as we have already noticed, generally fined riotous persons in wax candles for the lights of Our Lady altar. "Andro Thom- 1520-3.
son, for stroublance of John Adamson," is ordained "to pay half pund of wax till Our Lady on Sunday, and failing that day, till double it the next Sunday." Charly Baxter "sall give till Robert Nicholson for the hurting of him, forty shillings; and Robert, [who had not been blameless], to pay the leech himself. And gif ony of them maks ony stroublance till other in time to come, to pay a stane of wax till Our Lady." Nicholson himself, shortly after, "is amerciate[1] for stroublance of Mechel Ald's wife and dochter, also of Jonet Howk; and for the mends, the morn he sall come in time of the hie mess with a candle of half pund wax in his hand—to be given till Our Lady—and ask Mechell and his wife forgiveness; and give his dochter twa shillings for the straiks he gave her, and twelve pence to Jonet Howk." Below

[1] The amerciament was for the Bailies' unlaw--a fine, usually of eight shillings, which was reckoned their perquisite. This they, however, sometimes gave up in order to aid in promoting a public object. The ordinary fines appear to have been rigidly exacted. We find "guids roupit at the Cross and made penny of—the parties that they war tane frae for unlaws, being warnit to outred them." At one time, these latter and the assythments of bludewite or blame for drawing blood, were farmed out. In 1560, the Provost and Bailies "set to George Hay the haill unlaws and blude wites of this burgh for stroublance be the space of ane year, for twenty pounds—the ane half to the Queen's Grace, the other to the shore."

this entry it is added:—"And they have given it till Our Lady." Sande Low "is amerciate for making John Disert blae, and for the mends, is ordainit to pay ten shillings to John; and whilk of them stroubles other in time to come, to pay a stane of wax till Our Lady." Violent persons were sometimes put in the stocks. "Jok Galloway is amerciate for the stroublance of John Gray in the bakehouse, and also of Patte Baxter's house, and is ordainit to come on Sunday next with a candle of a pund of wax—efter to be given till Our Lady licht—and ask the Bailies' and Patte's forgiveness. And gif he will nocht do this, to lie the nicht in the stocks, and ask Patte's forgiveness the morn at the Mercat Cross." The time being January, Jok would probably make the reparation in the Kirk rather than lie overnight in durance. "John Henryson, cuggear,[1] is convict for stroublance of Thom Fethy, and is ordainit to sit on his knees at the Mercat Cross and ask him forgiveness, and pay twa pund of wax to Our Lady." "Wille Striveling and Sande Eldar ilk ane amerciate for stroublance of [ ] Mustart. And for the hurting of his ee, they sall remain in festning till they get cautionrie to pay six pence daily to the said boy till he may wirk with his ee; and that surety to be [also] for the leech-craft." Mustart, who had, no doubt, provoked the assault, is himself likewise "amerciate for the stroublance of Sande Elder." Another boy who has been hurt, had evidently not given offence to his assailant. "Alaster Mason is amerciate for the stroublance of Robert Knox's bairn callit Jok, and doom given."

The surgeons of those days had considerable occupation in attending to the broken heads and other wounds which were the result of assaults; and we find that the injury done by an assailant, was usually assessed upon their judgment. When David Arthor hurt Will Terbat, "It is ordainit that the leech, be the grite aith depone how mony days Will micht nocht wirk through the hurt, and David to pay ilk day eight pence to him, and pay the leech-craft." In like manner, when Rob Dawson "stroublit" Wille Pangell, "he is ordainit to pay the leech for his craft of Wille's head breking, and give Wille twelve pence ilk day that the leech will depone that he may nocht gudely lawbour through the hurt." In another case of amerciament

[1] Probably a maker of wooden cogs.

for assault, the damages were to be paid by instalments. Will Ferny "is ordainit for mends of Ambros Mason's hurt, to give him four shillings of silver—twelve pence ilk week till he be payit—and pay the leech." David Robertson "is amerciate for dinging of Peter Kelis' 1553-60. wife, and for braking of Peter's head; and he is adjudgit to pay the leech for curing of Peter's head, and to pay five shillings for ane amends to Peter." Sande Climas "is decernit to pay John Robertson ten shillings for the leeching of his head that he brak, within term of law, and to ask [his] forgiveness; and failing payment, to be banishit the burgh." Henry Justice is ordained "to cause cure Margret Leischman's head, broken be him within silence of the nicht." Thomas Straquhan "is convict for the cruel and maisterful coming upon John Ray, bowar,[1] within this burgh of peax[2] and justice, and in herming and wounding him in the head with ane stane to the effusion of his blude in grite quantitie. Whairfore he is adjudgit in ane amerciament of Court, with amends to the partie, whilk sall be modifeit[3] upon Tysday." Robert Aitkyn, "convictit for the stroublance of Sande Davidson and of this gude town, is adjudgit to pay to the leech ten shillings, and ten shillings to Sande to his sustentation till he may work and lawbour, togidder with the Bailies unlaw, whilk is eight shillings. And, gif ever he commits sic trespass agains ony person, to be banishit this burgh and liberties thereof for year and day." Nichol Anderson "is decernit to lie twenty-four hours in the stocks, for stroubling of this gude town and wounding of ane stranger, because he hes nocht to pay the leech."

An offence was held to be aggravated if it had been committed 1520-2. under night. "Andro Drayne is amerciate for the stroublance of Andro Buchan's house and his servants, and invasion of him under silence of the nicht; and doom given. And for mends, he sall come on Sunday next and offer a candle of a pund of wax till Andro—to be given till Our Lady—and ask him forgiveness, and be foreput in festning till he find lawborrows that he sall nocht invade him" again. Thereafter, "he oblist him be his hand—because he cuth get nane lawborrows—that an he be fundin coming in Andro Buchan's house in despiteful way, either troubling him, his servants, or house, to be

[1] Bowmaker. [2] Peace. [3] Fixed.

banishit this town." Besse Spens, Thom Reche's wife, having charged Allan Sowtar "for the stroublance of her and her house under silence of the nicht," he did not appear in Court to answer the charge; and James Wedderburn, Robert's son, "who had come surety to enter him, is warnit to do so the morn at ten hours." This he then did, and Sowtar, having been "amerciate for the trouble done to this gude town, grants that an he be fundin committing sic ane fault —nicht-walking and making trouble—that he be banishit." Alexr Fleshour is ordained to enter himself upon Wednesday next "to underlie the law for the wrangous stroubling of Marjorie Anderson, widow, within the nicht, in her awn house, and stricking of her and her servants, and braking of her doors; [with] intimation that, whidder he compears or nocht, the Bailies will [then] proceed to minister justice."

When the Church of St. Mary was in part restored, so that service could again be performed decently and in good order, offenders, for a time, were made to do penance in the ancient manner before its High altar. David Moreis, cutler, for some undescribed offence, "is adjudgit to come in time of hie mess with ane candle of ane half pund of wax, and ask David Lyal forgiveness, in presence of ane Bailie. And, gif he commits sic ane fault in ony time coming, to be
1554. Sept. 7. banishit." At a brawl which took place in the churchyard, Henry Lamb was alleged to have hurt Elene Provant, wife of James Aldeman; and his brother, William, "is become caution that he sall underlie our Soverane Lady's laws in case of Elene or her bairn—now lately partit with at five or six weeks before the time of her reckoning, and that through the dinging of her be Henry in the kirkyaird—happing to decease or ail ony skaith through the dinging allegit be her spouse and others her kin and friends—wha took instruments upon the finding of the surety, protesting that, gif Henry wes fugitive, William suld be compellit to answer for the crime." Aldeman himself had not, however, been blameless, for "it is fund be probation of famous witnesses that he wrangouslie troublit Henry Lamb; and he is convictit thairfor in the Bailie's unlaw. And for his fault [having been] committit in the kirkyaird, he sall offer ane candle of ane pund of wax the morn at the Hie altar till Our Lady; and, failing thereof,

offer on Sunday twa pund of wax." And this is the last recorded occasion on which such an offering was made at the High altar of that Church. By and by, another and more useful method of applying fines was devised. "James Nycoll, servant to David Duncan, is ordainit to come openly to the Castle burn head, and, upon his knees, first ask the town's forgiveness and syne Agnes Leslie's for the troublance committit be him in dinging of her; and pay to the puir folk ten shillings, whilk sall be deliverit to ane of the deacons to be distribute be them." 1560. Ap. 22.

Jonkyn Davidson alias Smyth was distinguished for his outrageous and quarrelsome disposition. "Anent the bill of stroublance given upon Jonkyn be Robert Barte—the whilk complaint of striking wes clearly proven—he is decernit, openly at the Mercat Cross, to ask Robert forgiveness; and, gif he molests him at ony time to come, to be punishit extremely. And forder, he is ordainit to find Robert lawborrows or he depart furth of this fence." The tolbooth was made a house of fence by the officer of Court laying his wand of office across the door, and over this a person in ward could not pass without "breaking fence," and incurring heavy penalties. James Fresar having been accused of taking "twa hammers and a bellows"—tools of Jok Smyth's—for his rent, and this having been proved, he "was chargit be the Bailies and the sergeant to remain in this tolbuith in fence, under the pain of tynsal of freedom, till he deliverit the pair of bellows to Jok; and the sergeant laid his wand in the tolbuith door. Therefter he passit furth contempually our the said fence and wand; whairfore the Bailies protestit that he has tynt his freedom." Then they sent the officer to warn him "to answer for the wrangous outpassing out of their house of fence efter that he was chargit and commandit be the officer, and there fencit with his wand laid in the door."

Some miscellaneous entries present incidental points of interest. John Anderson, wright, having been obstreperous in a neighbour's house, afterwards becomes penitent, and, "of his awn grant, is content to be actit that gif ever he do molestation or hurt to Robert Thomson, talzour, his wife, servants, or bairns, to be brunt on the cheek, and banishit the liberties of this burgh for year and day." A person 1552-60.

warded within the burgh, could only leave it at his peril. "John Wilson hes actit himself that gif he beis fundin passing out of this town without licence of the Provost or Bailies, to be put to the deid without forder proofs." Dame Quickly has aggravated Poins by presentıng an old score to him. "Jonet Gagy hes tane to prove to the Court, that Richard Corbie's man dang her because sho askit her money again of ane pint of mixit wine, whilk sho brocht to him of before." A worthless fellow is awarded the punishment of a woman. "Sande Hay, for troublance made upon Andro Watson, is decernit for his demerits to be put in the cuck-stule, there to remain until four hours efter noon." The vehemence of an outrageous ferryman is quenched in his own element. "George Blak, boatman, is decernit to be doukit our the head at the full sea, and also to pay forty shillings to the common gude, because it wes sufficiently proven that he keist Fothringame, ane warkman, our the shore, and also dang Andro Cowtie, ane other of them, upon the face."

The magistrates did what they could to enforce the settlement of differences by amicable arbitration, but, in spite of this, disputes frequently led up to quarrels which, among persons usually armed, threatened consequences much more serious than those that are recorded. The practice of wearing weapons, no doubt, facilitated the entrance into a quarrel, as well as provided a ready means for making a settlement; but swords were not always worn with a deadly purpose, and they were often drawn merely to be brandished—as we find when one man "is amerciate for the stroublance of [an adversary] in drawing of a whinger to him;" or when another "is convictit for mispersoning [a neighbour] with a drawn sword."

1556-7. Mar. 10. Although burgers commonly wore whingers, it seems odd that bakers should be at work in their arms. It is found "be the depositions of syndrie and famous witnesses," that, while Duncan Kynere and John Efak were at work, "Andro Broun committit stroublance in upstricking of the bakehouse door, and coming upon them with ane drawn whinger;" and that, thereafter, "Duncan committit stroublance of Andro in following and stricking of him in the kirkyaird." For these offences both parties are amerced, and Andro is besides ordained "to content and pay to John Efak six shillings, and that for the

skaith susteinit in the burning of his bread being in Duncan's oven in the time" of the brawl. Efak was himself a brawler, for we find him afterwards "convict in stroublance of this gude town, and of drawing Henry Robertson's blude in the Fish Mercat, [for which] he is decernit to pay Henry six shillings eight pence, and the Bailies eight shillings for their unlaw."

The cutlers, who, no doubt, wore sharp weapons, seem to have been forward in using them. John Mayne, "having been inhibit be acts neither to molest nor trouble be word or deed nae neighbour—he then being apprehendit in tuilzie—under the pain of banishing, is sen syne fund invading Silvester Ramsay, his deacon, with ane drawn whinger;" wherefore he "is ordainit to be banishit this burgh all the space of his lifetime, and never therefter come within the samin under the pain of deid." John Wrycht, another cutler, had abetted Mayne's violent conduct, and, for "the injury and wrang done and said be him to the deacon and his officer in reforming the wrang, he submittit himself in the will of the deacon." It was, however, found, a week later, that the expatriated cutler had been in hiding in the town with Wrycht's connivance; who "then—being accusit for the resetting of John Mayne, vagabond, wha wes banishit for insurrection and tuilzie for his lifetime"—penitently "referrit him to the Bailie's will thereanent" and, no doubt, received exemplary punishment. 1551-61.

When two persons engaged in a hostile encounter, one of them was usually found to be the most blamable. An assize delivered that James Lessells and Jonkine Young have "troublit this gude town invading ilk ane other, and specially James in hurting and bleeding of Jonkine to the effusion of his blude; whairfore he is ordainit to sit down on his knees in judgment, and ask Jonkine's forgiveness." After another battle, one of the combatants finds a friend "to become surety for his stroublance;" but "Andro Paule, the other stroubler, is decernit to lie in the stocks twenty-four hours. And their whingers to be hung in twa iron staples upon ane spar within the tolbuith on the west gavel, whair the Bailies sit." Sometimes offenders were degraded by being prohibited from wearing swords for a time. William Fyf and James Richardson, after their combat, "are convict for troublance of this burgh of justice be invading ilk other

with wapins, and, in special, William is decernit to pay the barbour or chirurgian whilk heals James' arm—stricken be him with ane whinger"—and they "baith are ordainit never to wear whinger during the space of ane year, nor yet invade other be word or deed in time coming, under the pain of banishing the party whilk sall be fund culpable." Alexr Williamson "referrit him to the Bailies anent the hurting and wounding of Thomas Barrie in the shoulder with ane whinger, and the dampnage, skaith, and expenses made be Thomas upon ane leech and otherwise therethrough; and they, being weill considerit therewith, ordain him to pay Thomas the soum of fourteen shillings, and discharge him of all wearing of ane whinger for the space of ane year, under the pain of banishment."

When persons from landward came into the burgh and troubled its quiet estate by rampaging with their swords, the magistrates subjected them to condign and exemplary punishment. "Alexr Keith, servant to the Lord Gray, accusit for the troublance made be him upon Saturday in drawing of his sword whinger, invading James Lyoun, stricking at the officers, and resisting and disobeying the Bailies—whilk crimes he confessit—is convict," and ordained "to pay the unlaw of five pounds, [and] his whinger sall be stikkin up in the balks of the tolbuith amang other tuilzier's whingers." Another is subjected to contemptuous opprobrium. "The Bailies hes adjudgit John Smyth, in the Crawnest, to sit in the stocks till the Provost pass furth of the tolbuith, and then to be set up in the cuck-stule during the Provost's pleasure; and therefter—he being tane out of the samin—to pass and ask Jonet Rollok forgiveness at her buith door." A third is made to suffer extreme degradation. "John Anderson, in Newtyle, is decernit to pay to the common gude the soum of five pounds for his unlaw in braking of the acts by drawing of ane whinger and invading of Archibald Kyd, for his bodily harm and slauchter, publicly in open mercat; [and] he sall pass to the place whair he offendit Archibald, and desire of him, upon his knees, forgiveness. And his whinger to be taken frae him and put in the cuck-stule!"—a culmination of indignity which would probably have a salutary effect upon John and his neighbours.

After the Reformation was effected, it was found expedient to adopt more stringent measures for the prevention of quarrels resulting in bloodshed; and the Council resolved that "the unlaw of blude wite [or blame] be ten pounds, to be upliftit of all and syndrie persons airt and pairt therein." The punishment for the serious offences of mutilating an antagonist, of wounding him to the danger of life, or even mortally—and it might be not in fair fight—continued to be commutable into the payment of a sum of money, called an assythment, to the wounded man or his relatives. Of this we find several instances recorded. John Boyis having been seriously injured by Alexr Pigat, he obtained letters from the Queen's Chancery charging his assailant to find surety that he would underlie the law for the offence. William Davidson, the messenger who brought the letters, proclaimed them duly at the Market Cross; but, for some reason, was prevented from carrying out the usual formalities, and he entered a protest before the Bailies which gives us some information regarding the forms observed on such occasions. In this he "exponit that John Boyis, burgess of this burgh, causit [him] to proclaim the King's and Queen's Grace's letters, (as he believit, being uncertain because he could nocht write nor read), at the Mercat Cross of Dundee, (being read to him be John), charging Alexr Pigat to find surety to underlie the law for the allegit mutilation of him; and because he, [William], doing his duty in the execution of the letters, desirit of John the authentic copy thereof to be deliverit to Alexr, or affixit upon the Cross—conform to the Acts of Parliament—and John refusit to give him the same, [therefore] he renounces and discharges his execution of the letters agains Alexr Pigat, in respect that John wald nocht suffer him duly use the same." It is rather curious to find that the Queen's herald could not read the proclamation he made; but, no doubt, he had repeated the words well enough after John Boyis, and had blown the necessary trumpet blasts with sufficient effect. 1560. Aug. 14.

Notwithstanding the informality in regard to the delivery of the writ, Pigat found it necessary to attend to its purport, and, the following month, he gave the required surety, and "actit himself to pay to John Boyis the soum of forty pounds—viz., twenty pounds in hand instantlie," and the other twenty within a year—"and band him to

satisfie Findlo Duncan, chirurgian, for the healing and cure made upon John the time he wes hurt and mutilate, and also to get dischargit the surety whilk John fand for the bringing of the letters impetrat[1] be him to cause Alexr underlie the law. For the whilk causes John Boyis freely remits and, with his heart, forgives Alexr the foresaid crime of mutilation committit upon him, and renounces, quit-claims, and discharges all actions criminal or civil whilk he had, hes, or ony wise may claim to have; and binds him to warrant and defend Alexr uncallit, unfollowit, or pursuit, agains all deidlie, but fraud or guile."

James Wydder having had his hand "stricken off" in a fray by Edward Chalmers, one of the bellicose tailors of the period; there followed much ill feeling which led to a serious feud between the families of both men. To staunch this, the assailant became bound to pay an assythment, and the wounded man agreed to forgive him.

1563. Dec. 14. "James Wydder, with avise of his [friends], presently remits and forgives simplie to Edward Chalmers, tailzour, his kin, friends, and adherents, all rancour and malice of his heart he had, hes, or may have agains Edward for wounding and hurting of him, and mutilation of him of his left hand; and remits all action whilk he may have agains Edward, and sall deliver to him sufficient letters of slains to that effect; and Edward Chalmers [shall give surety] to pay James, in name of assythment and amends, the soum of forty pounds; and sall compear in presence of James and his friends with the Provost or the Bailies at mercat, or in tolbuith as pleases James, and there, bareheaded, ask him, his mother, and friends forgiveness of the said offence; wha sall accept and receive him in kindness, amitie, and favour siclike as they were before committing of the offence."

Jonkyn Davidson, alias Smyth, the notable swashbuckler already noticed, having, in December, 1563, "hurt and woundit John Jack in his body with his whinger to the effusion of his blude in grite quantitie," the Bailies, for amends, "decernit that, upon Saturday next, he sall come to the Mercat Cross sark alane, his head discoverit, and, upon his knees, tak his whinger be the point and deliver the same to John; and therefter, the officer sall affix it in the place whair the

1563-4. Mar. 4.

[1] Produced.

whingers of thae are affixit that commit tuilzie within the burgh. And Jonkyn sall, upon his knees, ask mercy and forgiveness at John for God's sake, for his crime; and then sall act himself to be true friend to John, and sall never hear nor see his hurt nor skaith, but sall tak part with him in all lesum things; and sall never draw his whinger herefter to ony inhabitant, under the pain of banishing this burgh for ever." Further, he becomes bound to pay John by instalments the sum of one hundred pounds. On the day named, Jonkyn, at the Market Cross, made the prescribed atonement, "and then John receivit him in favour, embracit him in his arms, and forgave him the crime."

At the end of some months, and while a portion of the assythment remained unpaid, John died from the effect of his wound. Thereupon Jonkyn, asserting "that there restit nae mair to be fulfillit" of the conditions imposed on him "but only the payment of some soums of money, offerit the mother-in-law of umquhile John—on behalf of his relict and bairn—threttie pounds all in gold in complete payment, whilk sho alluterlie refusit to receive." Then he lodged the money in the hands of a Bailie for behoof of the family, and claimed that he had thus done what was required of him. The Bailies were not, however, satisfied with this, and they bound him to banish himself from the burgh, and not to come within twelve miles of it, without the consent of John Jack's friends.

Although there was at this time much high-handed reaving to landward, especially along the English border and the boundary of the Highlands—where disorder usually prevailed, and the will of a rude baron was practically the law—within burgh the rights of property were perhaps as highly respected as they are now. In Dundee, the Great Assize may have had to deal with some considerable thefts, but this would happen seldom, and before the Burgh Court there hardly came any charge of dishonesty more serious than that which was designated pickery. When the offence was what might be described as appropriation without aggravating circumstances, justice appears to have been satisfied if restitution or compensation was made. Some timber having arrived at the harbour in 1521-3.

a ship from Norway, a quantity of it was carried off and appropriated by dishonest boatmen. When the culprits were discovered, four of them who were able to make compensation, are merely "adjudgit to pay seven shillings and three pence for thirty-two knapholds[1] and fifteen skews,[2] wantit through them and their colleagues, laid in the boat." Four others, however, who, evidently, were unable to make amends, are "ilk ane amerciate for the wrangous taking away of the Norroway man's rafters; and, because Gilzet and Sande Wilzamson war takars principal of the buirds, they are ordainit to be laid in the stocks till the skipper ger lowse them, and to ask his forgiveness." George Fyf, wright, was charged with fradulently obtaining possession of some timber, and he "confessit that he receivit frae the sawers four Estland buirds of Sir Alexr Carnegy's, [but askit] fifteen days to prove that Sir Alexr ordainit him to wirk them;" and, although unable to prove his assertion, he is only decerned "to deliver till Sir Alexr four as gude Estland buirds [before] the feast of the Assumption of Our Lady, or then fourteen shillings fourpence." John Cathro is accused of carrying away the iron band of Will Cathro's door, but he, having offered "to mak a band as gude as it was first, gif he proves nocht that the band was left be him before witnesses in Will's presence and on his buird," is relieved from the charge. John was, however, rather free in helping himself to what did not belong to him, for, shortly after this, he had been tempted to pluck some flowers growing in a neighbour's garden; and "is amerciate for the wrangous taking of five lilies out of John Gagy's harth at his awn hand, and is ordainit to put in five fresh lilies again." John Cunningam claimed "a body of a serk of linen being in David Wedderburn's hands, that he gat frae the Lady Dawolsy," but David alleged that he had warrant for its possession, "and the Bailies ordainit him either to produce his warrant, or deliver the claith or the avail of it."

1551-6. John Snell, miller, having lifted some linen from the side of the burn, "is adjudgit to deliver till Besse Robertson ane clene sark whilk he wrangously took frae her, or the avail thereof." In like manner, although "David Duncan is amerciate for the wrangous taking away of James Rollok's arbeir[3] door," justice is sufficiently satisfied for the

[1] Oak staves. [2] Probably knees. [3] Herb garden.

offence by adjudging him "to refund and restore the door to the samin place whair it wes." A gleaner who has been helping herself to corn at a farmer's stooks, only has the blanket seized in which she carried it. Before the Bailies, "Mege Paterson grantit in judgment that sho sent her maiden with ane blanket to gadder corn, and the maiden wes tane robbing John Small's corn, and her blanket wes tane thairfor; and Mege hes borrowit[1] the blanket." She is, however, "adjudgit to deliver the blanket in [the officer's] hands again;" and this is held to be sufficient compensation for the theft. Henry Climas came back from a journey without returning the mare and cloak he had hired—having probably appropriated and disposed of them by the way—and he behaved himself in a violent manner to their owner. Instead of being punished for theft, he is only "decernit to refund and get again ane cloke of kendale[2] and ane black mare, or the avail thereof, to Thomas Falconer. For the stroublance" he is, however, amerciate in "eight shillings to the Bailies."

Coal, which had now come into pretty general use,[3] from an early time was made the subject of fraudulent transactions. John Robertson, a burgess of Perth, bought a small cargo on the Forth, and arranged with Will Cowpar to carry it in his vessel to Perth. This, however, he did not do, but brought the cargo to Dundee, and disposed of it there. Then Robertson pursued Cowpar "for a botill[4] of coals," but "Cowpar, in answer, allegit that it was given to him of free bountith[5] at the pier of Galat[6] on John's behalf, be David Muleky." The Bailies thereupon instructed the parties "to pass till Dumfermlyng, and get the depones of witnesses as they will tyne and win with in the cause; and they, as judges, will proceed in the matter and give sentence." The evidence that came from Dunfermline was against Cowpar; and, although he protested "that it have nae strength because he was nocht callit," the Bailies "adjudgit him in till a botill of smiddy coals that suld have been brocht frae the Limekills to John Robertson to the burgh of Perth—as is sufficiently provit be testi- 1521. Oct. 21.

[1] That is, obtained possession by giving a pledge in substitution.

[2] Kendal in Westmoreland was, from an early time, famous for the manufacture of woollen cloths called kendals.

[3] The price of coal in 1523 was two merks the chalder.

[4] Boatfull. [5] Gift.

[6] This appears to have been a name for Limekilns.

monials under the seal of the Bailie of Dumfermlyng"—but only "ordainit the officers to hald Cowpar in firmance in the tolbuith till he finds surety for the coals." In the case of another cargo carried off, in which neither the coal nor the skipper could be found, a claim is only made for its value. Four persons came before the Court and declared that "they remain on the pursuit of Thom Anderson of eight pounds for the stealing of a botill of coals, as they allege, in his default"—and protest, "because he is absent frae the law, that they have their expenses of him." A lesser offender does not, however, escape punishment. "James Anderson is adjudgit to deliver again the twa creels of coals to Robert Sterling. And for the wrangous taking of the coals, to pay half ane stane of wax to Our Lady licht, unforgiven."

1550. Dec. 11. The truss of a travelling merchant, while being carried by water from Perth, is robbed by dishonest boatmen. "Anent the claim of Sanders Ross upon Thome Willieson alias Cherete, James Clerk, and George Hardman for lowsing of his pack and taking out ane stick[1] of black fustian, ane bonnet lynit with velvet, and half gross of green points of silk[2]—the whilk claim the said boatmen denyit—Alexr hes tane to prove be famous witnesses, indwellers in Perth, that he shippit his pack weill and fast packit and bund when he deliverit the samin in their boat. For the probation thereof, the Bailies decernit ane supplication to be direct to the Provost and Bailies of Perth to exeme witnesses—whase depositions to be inclusit, under ane Bailie's signet and the clerk's subscription, again to us upon Alexr Ross' expenses."

1552-9. We do not learn the result of this precognition. There also were rogues at the Dundee harbour, who surreptitiously carried off goods. "William Cowtie, warkman, confessit that he buir half ane pock of woad at David Johnston's command, yesterday aucht days at six hours, frae the shore to his awn house, whair the same lay be the space of twa days; and, upon the third day at ten hours, deliverit the same to John Deuchars at David's command." Some land thieves appear to have completely sacked a house. Elezabeth Leches claimed from Henry Quhyt and his wife "twa pund of lint, whilk they receivit frae her to spin;" on which they offered "to produce

[1] Piece. [2] These were ties for fastening the clothes of both men and women.

proofs that their house wes broken, and the haill gear and guids stolen, with the twa pund of lint perteining to Elezabeth." At a later Court, they satisfied the Bailies that their assertion was true, "and are absolvit of Elezabeth's claim."

Ordinary theft was punished by banishment. "John Wallace is convict for pickery, and that for the away-taking furth of James Scrymgeour's stable of ane pair of auld buskyns, and ane auld doublet of his servant's; whairfore the Bailies decern him to be banishit for year and day; and, gif ever he be fundin committing sic crimes in time to come, to be punishit to the rigour." One woman is banished for life, and so is her daughter—evidently for no other reason than that she was so. Although we find the Bailies several times passing this sentence, they seem to have doubted whether they could legally carry out such an extreme punishment. "It is fundin that Jeny Fresall is a common pykar, for the whilk sho is dempt[1] to be banishit, and her dochter, for ever—in so far as the Provost and Bailies may do of law."

Where there were aggravating circumstances, theft was exemplarily punished by flogging. At the time when the fiery eloquence of John Knox and other reformers was crowding St. Mary's Church with worshippers, a thief took the opportunity of plying his vocation there, for which he is condignly dealt with. "The Bailies ordain Alexr Smyth to be scurgit through this burgh, and banishit the same for ever; and never to be fund thereintil, under the pain of deid; because, being apprehended with pickery and theft this last Sunday in the Kirk, he confessit the same, and submittit himself in the will of the Bailies; wha declarit the same as is above specifeit." In another case which occurred about the same time, pocket-picking had only been contemplated. "Alexr Dog grantit in judgment that he put his hand in Margret Johnson's kirtle pouch;" upon which "William Drummond askit act." Women convicted of theft were punished without mercy. I am sorry to find that, in 1523, one was subjected to the lash. "Anne Butchart is fundin be the assize in the wrangous taking of David Fleshor's wort, and is ordainit to be scurgit thairfor." In 1552, two thieves, one of whom had been a worse

[1] Doomed.

character than the other, are ordered to be punished in a curious, though perhaps not ineffective fashion. "Watte Firsell and Duncan Robertson are amerciate for common pickery of ane puir woman within silence of the nicht—as at mair length is conteinit in their ditta. For the whilk crime the said faltours are come in the Bailies' will; wha hes decernit their will in form as follows:—That is to say, that Duncan sall scurge Watte round about within the bounds of this burgh, as use is, and gif he fails in the extreme punishing of Watte, then Climas[1] sall scurge them baith in his maist extreme manner he can. And therefter Watte to be had to the Cross, and, be open proclamation, banishit this burgh for seven years."

The tailors of the period do not seem to have been reputably honest, and their failings were favourite subjects for the poets' sarcasms. Lindsay, in his "Satire of the Three Estates," makes Falsehood say:—

> "I learned tailzeours in everie town,
> To shape fyve quarters in ane gown,
> In Angus and in Fyfe.
> To upland tailzeours I gave gude leife,
> To steal ane sillie stump or sleife,
> Unto Kittok his wyfe."

Here is one who, although he was not "proved to be little better than a false knave," is exemplarily punished "for going near to be thought so." James Richardson, "tailzour, being accusit for pickrie, is adjudgit to be punishit with twelve straiks with ane double belt, because there could be nae sufficient proof gotten, but vehement suspicion; and syne to be banishit this burgh for year and day." Another was clearly a rogue, for when it is proved that "Andro Just's wife hes wrangously tane ane cloke of russat furth of ane kist, out of Jonet Quhyt's house in Glamis," Sande Car, tailor, is found to have been privy to her act, and to have helped himself from the chest to "six quarters of hosen white claith;" and both of them are pursued for the thefts. A third is, however, able to prove his honesty; for, when Jonet Sands accused Sande Loke, tailor, with keeping back

[1] The hangman, probably.

some of the cloth that should have gone into her kirtle, "he producit the kirtle in judgment," and, having opened up its seams, "it wes laid upon ten quarters of new claith of like breid, and wes fund nocht minishit be the craftsman. [On this], the Bailies ordainit Sande to sew up the kirtle agains Mononday, and bring it again that ane mends may be decernit be the judges."

Those found guilty of receiving stolen goods were usually punished equally with the thieves. Women were the principal offenders in this. "Tipincott's Jonet, in Robert Seres' land in the Wynd, is fundin ane unlawful neighbour for the reset of John Logie's bear and other stuff, and is ordainit to be banishit the town for year and day." Another woman has illegally acquired a piece of cloth which a litster had got to dye. "Mege Synclar is adjudgit to deliver the piece of white of three quarters that sho bocht unlawfully, that was given to lit;" and she, evidently, lost what money she had given for it. "Esabell Gray and Madde Fendor are fundin resetters of pickery; whairfore they are ordainit to be banishit this town for year and day; and, gif they come in again within the said term, to bear a het irne on ilk ane of their cheeks." It was not uncommon to burn a mark upon the cheeks of lawless persons. We have already seen that when an undesirable couple "for their demerits—pykrye and reset and grite sumptuous spending be nicht"—were banished for life, it was after the man had been punished by nailing his ear to the trone, and the woman by burning upon the cheek; and there are a number of other instances. 1521-3.

Here is a woman who, having resetted the household goods of a profligate wife, escapes punishment by restoring the articles. "Margret Mair, of her awn confession and consent, [agrees] to render and restore ane tin plate, ane tin quart stoup, ane tin pint stoup, and ane chandler reset be her frae Eilstoin, the spouse of Maister Thomas Quhitlock; and also to give advertisement to Marion Dog of the rest of the gear reset be her, and sauld and disponit, to the effect that Marion may relieve and outquit the same. And mairover, Margret is become actit that gif ever sho be apprehendit with the like fault of reset in time coming, either frae the spouse of Maister Thomas or ony other, without farder process to thole the deid." In another case, 1560. Nov. 24.

1563. Dec. 22. the manner in which the penalty of death was to be carried out is specified. "The assize hes convict Agnes Robertson, spouse of Andro Maill, for theftuously committing of pykrie—whilk sho could nocht deny, being apprehendit with her—and siclyke, hes convict Jonett Moreis for reset thereof. And thairfore the Bailies ordain Agnes to be banishit this burgh for all the days of her life, and never to be apprehendit within the same, under the pain of drowning. And siclyke, Jonett to be banishit for year and day, and, gif sho be apprehendit within the burgh or[1] the said day, to suffer deid as said is."

[1] Before.

CHAPTER XIII.

THE CONDITION OF THE PEOPLE.

The houses of burghers and craftsmen—The value of money in the sixteenth century—Rents, wages, and prices—Necessaries and luxuries—Use of wine and ale—Temperate habits—Clothes—Schools and education—Printed books—The working day and meal times—Observance of holidays—Customs associated with festival days—The Fairs—Processions—The Playfield—Miracle plays—Sports and pastimes—The Meadow—Revels and games of chance prohibited—Conclusion.

The various matters which have come before us in connection with the ecclesiastical and domestic concerns of the old burgh, while of themselves not without antiquarian and general interest as illustrations of contemporary history, serve to throw light upon the social life, the customs, and the conditition of its people at the middle of the sixteenth century. These, no doubt, differed much from those of the present day, but, in many respects, they closely corresponded; which shows that the national character on which the habits of a people are formed, is not readily affected either by time or changed circumstances. I propose to glance shortly at the condition of the people as it is exhibited in these records, and, in the first place, at the domestic comforts which they were able to enjoy.

Although we do not find the houses of well-to-do burghers either conveniently arranged or luxuriously appointed, the inventories present them to us as not without some measure of rude grandeur and homely comfort. In the largest apartment—the hall—there stands the great "meat buird" of heavy oak, round which there is room for the whole household sitting at meals—the head of the family in what is probably the only chair, whereon lies the cushion, the other members at each side on "desses," and the servitors—men and women—at the lower end on forms of deal. Those at the head of the table sup their nutritious national kail, or meagre lentrone broth, out

of pewter plates with spoons of silver, those at the bottom, from "treen" trenchers, or cogs with horn spoons. The former quaff claret out of valuable cups, and the latter drink ale out of tin stoups. There is yet no mention of knives and forks as part of the furnishings of a house; but the men usually carry case knives with which they cut their meat, and—the time of forks not yet having come—use their fingers to help. The members of the family have napkins with which to wipe their hands, but those at the bottom of the board having none, somehow do without. The various articles of furniture are of oak, sometimes quaintly carved. On the heavy "side-buird" stand sundry pewter "chargeours" and salvers, along with the silver spoons; and displayed in the "cup almerie," are the drinking vessels—mazers of rare wood hooped with silver, and cups of silver curiously worked, and sometimes "our-gilt." Near a window, is the "comptoir" or writing table, covered with "ane broiderit claith;" by the wall, a "lang sadill" or settle; and, in a corner, "ane coffer of black aik," with handles and shields of brass. In the wide fireplace—over which the monogram of the builder of the house and the arms of the family are carved—are dogs for enclosing a fire of logs; although already, in many houses, there are "irne chimnays" or grates for burning sea-borne coal. Hanging from the ceiling, or standing upon the table, is a great chandilar curiously worked of iron or brass, in which, on important occasions, several candles may be burned. There is no carpet upon the floor, which, likely, is strewn with rushes, and, probably, no curtains on the windows; but the rough walls are either paneled in oak, or covered with tapestry of more or less value.[1] On

[1] I find that after Dundee was stormed by Monk, while it was under the charge of Col. Ralph Cobet, the Commonwealth Governor, some tapestry and other articles —spoil, probably, from the town or its neighbourhood—were reckoned by the Council of State sufficiently choice to serve for the Protector's use. "May 9th, 1656:—The sequestrated goods received in Scotland from Capt. Read and Col. Cobet were ordered to be sent up for the service of his Highness:—Viz.,

One suite of tapestry hangings of pictures and baskages, contayning seven pieces.

One suite of tapestry hangings of the story of Noah, contayning eight pieces.

Seven carpets of Turkey work, fower fether beds, and fower ruggs.

Fower blankets, three boulsters, one quilt.

Fower pieces of tapestry hangings of the story of the Labours of Hercules."—Council of State Papers, Act. Par. VI., ii., 760.

the walls there may be "ane hinging hart horn," or other trophies of the chase; and, in a peaceful season, swords, bucklers, steel head pieces, plate armour, and coats of mail, for the time hanging idly there. The fine arts were little cultivated in the rude Scotland of those days; but the works of early painters were not quite unknown, even in Dundee, for I find that in more than one burgher's hall there hang "certain paintit claiths of stories," the subjects of them, probably, having been taken from the ancient poets.

In the principal sleeping chamber stands a great bed of oak, with curtains of arras or other costly stuff, and well provided with feather bed, bolster, down "cods," linen sheets, blankets, and "bed mantle." Against the wall there is either a "Danskyn kist," or a "werstal" for holding clothes, and, invariably there, or in a closet adjoining, a "lettrone" or devotional desk, and "ane grite schryne of aik" for keeping relics and articles of value. Toilet requisites were yet reckoned of little account, and there is no mention of mirrors in the inventories. In good houses there are "ane bason and lavar" for ablutions, but these were probably seldom used except by ladies. The other chambers are very plainly furnished with beds of fir, and also with presses and kists of the same material for storing household linen. The accommodation for women servants in the "kitchie chalmer" is of a very homely character; and the men usually sleep in their clothes on settles in the hall.

The kitchen is well provided with brazen and iron pots and pans, spits, girdles, cruiks, and all the necessary implements for cooking animal food and savoury messes. The principal article of furniture is the bink, on which are displayed the wooden trenchers, pewter plates, and tin stoups of the household. On the floor stand the "kaiming stocks and kaims" for dressing lint, along with cards for wool, and, when not employing busy fingers in the hall, the spinning wheel. The place is dimly lighted in the evenings by the cruizie—an open lamp deftly fashioned in iron after a Roman model—which holds a rush wick lying in oil. In the brewhouse are all the requisite utensils for home-brewing; and on gantries in the cellar are barrels of ale and wine which, with tubs of beef and a girnal filled with meal in the store, form the winter's supply of household provisions

The dwellings of reputable craftsmen do not appear to have been either incommodious or bare. On the death of a cooper, about the middle of the sixteenth century, an inventory of his goods and gear shows that the house consists of two apartments. The kitchen, which is the family living room, in addition to a bed, contains, among necessary cooking utensils, four brazen pots and two pans; and of vessels, five dishes and four plates of pewter, one pint and three quart stoups of tin; and for light "ane chandiler." In the chamber are "his best furnishit bed, with the trein wark, price ten merks ourheid;" a "compter, price forty shillings;" and "ane gret Danskyn kist, price twenty shillings," which contains "his clething—like as ane black bannet lynit with velvet, ane doublet of canvas, ane russat cloke, and ane pair of horse hosen" for use when riding. On the wall is his only weapon—a halbert—which would be exhibited at wapinschaws. There is in a store "the growth of his acres of land, extending to seventeen and ane half firlots of bear, and four and ane half bolls of aits;" together with "ane barrel and ane half of beef." In the booth or workshop are his "turning-lumys, hand-saws, eitches, and hand-knyffis;" and, besides material, there are lying ready made a number of "skeyllis and stokis." All free craftsmen would not grow their own bear and oats as this cooper did, but it was not uncommon in the old burgh, even till a comparatively recent time, for working men to rent a little bit of land which they cultivated as a cabbage garden, or, latterly, as a potato patch.

Besides craftsmen burgesses, there were others who worked with them as servants, and also "pynours" who followed the occupation of labourers, mostly at the harbour. These, as workmen of an inferior class, received a lower rate of wages, and did not participate in the advantages and privileges which freemen enjoyed—although they were always ready to support them in the maintenance of good rule. In all towns there is a grade in society below that of the working man—a shiftless, "weirdless" class that scorns honest labour, and seems to have no other aim than to carry on a war against the orderly usages of life. Such pariahs were not unknown in the sixteenth century, but, happily, they were yet so few as to have no deteriorating influence upon the general character of the people.

To enable us to judge the degree of comfort which our ancestors were able to enjoy, it will be necessary to estimate the value, or purchasing power, of their money. In doing this, we must bear in mind that, during the course of the sixteenth century, the Scottish coinage was being continuously depreciated by an admixture of baser metal which, after a short time, caused a corresponding increase in the price of labour and of food; so that the various data, strictly speaking, are only applicable to each other at the particular time to which they belong. By the third decade of the century—to which I intend to mainly confine my attention—the value of money had fallen to one-third of that of the English or sterling. In 1523, eight pounds Scots is paid for the ounce of gold ornaments—probably of debased metal—and fourteen shillings for those of silver. At the same time, "eleven shillings gret, or thirty-three shillings Scots," is fixed as the payment to be made in either money for a barrel of beef; and an English crown is valued at from fourteen to fifteen shillings. We can only estimate the worth of a coin by its capability of purchasing the necessaries of life, and, in judging of its relative value in past and present times, there are no better data than the quantities of cereal and animal food which it could procure at each. We have already seen[1] that for some years at the period named, the average price of bread was nominally the same as it has been during recent years, and that the price of oxen—then exceptionally low—was only one-tenth of the present. On these data, and assuming that at both periods the food consumed in the burgh would be in the proportion of seven pounds of bread to three pounds of beef, it will be found that in the sixteenth century these necessaries cost only one-third of what they do now.[2] In other words, that, although money had been so considerably

[1] *Ante*, pp. 227-8.

[2] The figures which I have tentatively adopted in this estimate are.—For 1523,

7 lbs. Bread, at 1½d,	10½d	
3 lbs. Beef, at 1d,	3d	
		1s 1½d:

For 1891,

7 lbs. Bread, at 1½d,	10½d	
3 lbs. Beef, at 10d,	2s 6d	
		3s 4½d:

Showing that, used in these proportions, the two principal necessaries of life cost at the earlier time only one-third of what they do now. An estimate based upon the cost of bread alone shows a very different result; but it appears to me that this cannot be reckoned so safe as one which also includes the essential necessary of animal food, which, in the sixteenth century, was so plentiful and cheap.

depreciated at the earlier time, its value, or purchasing power was yet three times greater than that which now circulates. I give from the Court records, a number of prices—mostly belonging to the first quarter of the sixteenth century—all of them being raised so as to represent the present money value of the original sums. In this form, they may be accepted as approximately so correct as to enable us to institute a comparison between past times and present, and to form conclusions regarding the material comforts enjoyed by our ancestors.

House rents were very low; a mansion with furniture was leased at a rent equal to £27 a year, and others, after the middle of the century, at from £30 to £36. A "half land" was rented at £3 18s, and craftsmen's houses of two apartments at from £1 7s to £2 2s. A shop under the tolbooth stairs was leased at £2 14s, and others in the yet unfinished new tolbooth at £2 2s. A bakehouse was rented at £2 17s, and a garden lying between houses at £2 2s. About the middle of the century, the leading "chorister of our queir" received £20 a year, and the town's master mason £72. The wright who made the bound couples for the Church, got 20s "and the spails" for his work on each; while the one who carried off the timber work from Lindores Abbey, and put it to use in the erection of the new tolbooth, obtained £400 for the job. Sawyers were paid 6d for the draught of rafters, and 9d for Eastland boards. A weaver, in 1550, got £1 10s for working a blanket web. A master craftsman received 4s a day, and an ordinary workman from 2s to 3s; so that less than three weeks' wages would pay a year's house rent. An apprentice sometimes got as much as 1s 6d a day; and a son paid for his father's "sustentation at meat and drink," 7s a week. In 1548, "the waige of a man of weir" was £9 a year, and he would, probably, be able to requisition his rations. The fee of women servants for a year was from £1 6s to £2, with a bounty of an apron, a kirtle, or a pair of shoes. In 1553, a domestic servant at the death of her mistress, received £3 for her wages and bounty. The yearly fee of men servants was from £2 17s to £4. Coal, which was shipped from ports on the Forth, and also from the South Ferry on the Tay, cost £4 a chalder—a price so high that, as yet, it was only used in the better houses and by smiths. There, however, appears to have been a plenti-

ful supply of cheap "fuel sic as peats, turves, hedder, and fir" brought by wandering cairds from landward; who got "liberty to pass through the streets and gaits of the burgh to serve the community," and also to stand in "the Hedder Mercat." The price of well-cleaned flax sometimes stood as high as 3s a pound, and wool at one time cost 5s, so that, although the coarse flax cloth called harn, of which common sheets were made, was cheap, good linen and woollen cloths were very dear—some of the latter costing as much as £1 15s a yard. Oxen and horses were very cheap; a milk cow selling at equal to £5, and some horses as low as £1 10s; although others—evidently of superior breed—were valued as high as £5 to £6; and one is hired for a period at 2s 3d a day. About the middle of the century, the sum of £5 was paid for the large shears used by fullers; £19 10s for an anvil weighing nine stones; and 6d a week for the rent of another. The fine clock placed in St. Mary's tower in 1543, cost £593; and there was assigned to pay for the one erected ten years later, and for a bell, the sum of £600. The ships frequenting the port were all of small size. The price of those sold—none of them being probably above eighty tons burden—averaged £530.[1]

Dundee is so favourably situated in the midst of a fertile district, that it has always been well supplied with cereal and animal food. The want of country roads other than mere horse tracks, and the determined opposition which was invariably made to the shipment of grain to any other port in the country, isolated one locality from another, so that the prices in each would, in great measure, depend upon the demand and supply within itself. There was, however, a considerable importation of foreign corn into the burgh, and this would help to steady the market, and, in ordinary seasons, provide plenty of plain food at average prices. Oatmeal has always been one of the principal articles of diet; but, from the infrequent references to it, and the great number and importance of bakers, I am inclined to think that the wheaten loaf, as compared with "halesome parritch," held a relatively higher place in the domestic economy of the old burgh than it does even now. An abundant supply of white fish is

[1] The prices in the earlier inventories, (*ante*, p. 238), if multiplied by three, will fairly represent the value of the articles in our present money.

found along the adjoining sea coast, and this has always formed an important part of the people's food; but salmon, although they were perhaps more easily caught in the Tay at the time I write of than they are now, have generally been too dear for common use. In the early part of the sixteenth century, the town's salmon fishings were leased at a rent equal to £120 a year, salmon being sold in quantity at from 7½d to 9d a pound—prices similar to those which were usual until modern times, when facilities for exporting the fish became developed—and, by the middle of the century, they had risen to 13d a pound and 12s "the piece." Their recorded prices are always far above those of animal food; so that the popularly received tradition that, in early times, they were very common and cheap, can not be supported by facts, and is not reasonably probable. As for those epicurean Carse ploughmen who are fabled to have refused to eat salmon oftener than twice a week, they may be set down as altogether mythical. Vegetables and fruit were largely grown within the locality, and onions and apples were imported in considerable quantities, so that these articles were within the reach of all; but anything of the nature of a luxury was difficult to procure, and costly. Oranges and other exotic fruits were practically unknown; and sugar had not yet become an article of common use. In 1553, a pound of "Canarie succur" was sold in Dundee at a price equal to 18s.

Ale, noted for its good quality, was largely consumed in the burgh. Many of the houses had all the conveniences for domestic brewing, and there appears to have been a considerable number of maltmen, brewers, and keepers of alehouses. The magistrates, while prescribing the quality, fixed the rate at which it was to be sold, and this, at the time I have named, was restricted to a price equal to 3s a gallon—although good quality was sometimes retailed so low as 1s 9d. Claret was imported direct from Bordeaux in large quantities, and was much used by well-to-do burghers. It was sold at five English crowns the puncheon—a price equivalent to £11 of present money; and there was not yet any excise duty upon it. Notwithstanding the great consumption of these liquors, the records have little to tell us of their misuse, or of the evil effect they had upon the people. Certainly drunkenness was not prevalent in the old burgh; and taverns

are not specially noted as being disorderly places. No doubt the Bailies were instructed, each in his own quarter, to keep a careful eye upon baxters' booths, and alehouses; but they visited the former to see that their bread was well baked and of sufficient weight, and the latter to judge as to the strength and price of their ale; having, apparently, little occasion to watch how the houses were conducted, or in what manner their frequenters behaved. It was not until a later time, when spirits had begun to take the place of these other beverages, that the drinking usages of Scotland became established with all their evil and degrading influences. Philanthropists may well lament the decadence which this has caused in our national habits—ay even in our national character—and, tracing the results in social life, and through our courts, our prisons, and our asylums, as compared with those which the records of the past present, mournfully confess that, in at least one very important respect, the former days were better than these. While we may admit that no drinking is innocuous, we cannot shut our eyes to the fact that the customs of our forefathers were more conducive to the health of the body and the mind, and better fitted for promoting a nation's strength and greatness, than those which now prevail; or hesitate in desiring that the wine and ale of more primitive days should once again come in the place of the evil thing which has already worked such harm.

The clothes worn by the old burghers and their families, although costly, were comfortable and durable. Newly married persons usually began life with a good supply; for it was already the custom—as it long continued to be—that young women occupied their spare hours in spinning the linen and woollen yarns which, when woven into cloth, formed the "providing" for the wants of a household—in the quality and abundance of which they continued to take a lifelong and becoming pride. We have seen that Parliament enacted laws for preventing extravagance in dress. Servants of both sexes were prohibited from wearing on week days any other than ordinary stuffs of plain colours—the men's hose and doublets to be only of blue canvas or fustian, trussed with leathern points; the women's kirtles of home woven wool, and their curches of moderately priced linen, fashioned by themselves; and we find that a plaid suitable for a

serving-man, could be procured for £1 4s. Burghers, "unless in dignitie as gude worthie men of the Council," were not to wear clothes of silks, or costly scarlet gowns; while their wives and daughters were to be correspondingly attired—their clothes not of "unsuiting length, nor furrit under, but on the haliday." These laws, however, as we might expect to find, were not very strictly observed. The usual dress of a burgher consisted of hose of Fleming gray—valued in the inventories at £1 10s—or perhaps "lang breeks" of gray or blue; a doublet of green taffeta or of damask which might have cost £7 10s, and a cloak of russat or of Kendal cloth. In his hours of dignified leisure he may have worn a costly gown lined with lambs' or foxes' skins, and, for winter wear, "a Bordeaux skin coat with sleeves." The covering of his head was usually a bonnet lined with taffeta or velvet; but on holidays he wore a silk hat which might cost £2. Green was the favourite colour for his wife's kirtle, although it sometimes was red, and its value would probably be from £4 to £5; while her gowns of brown or russat and her mantle of black, would be nearly double these prices; and she wore a linen coverchief which hung down to her shoulders, often enriched with embroidery and ornaments which showed the wearer's taste, and were costly. The many points with which the dresses of both husband and wife were trussed, would be of silken ribbon, probably green. These clothes were costly, but they wore well; for spinners had not yet begun to make up their yarns with shoddy, or fullers to finish away the strength of the cloth; and, there being no purposeless changes of fashion, a burgher's cloak and his wife's kirtle would for long be quite sufficient and seemly. No doubt, there were poor people in the old burgh who went barely clad, but the inhabitants generally appear to have been as comfortably clothed as they are now, and some of them—especially women on holidays—were richly attired. We have seen a merchant providing himself with velvet, satin, silk ribbon, Lisle worsted, and sewing silk; and a burgher ordering for his wife sufficient French black cloth—probably silk—to make a kirtle and a cloak, with a French plaid, and Holland linen for a curch, at a cost of £45. Ornaments corresponding to the degree of the wearers, from simple rings, beads, and medals of silver, to costlier buttons, chains, and crosses of gold, rings set with

gems, and strings of pearls, were then as commonly worn by young women and matrons as they are at the present day. As for the rich and curious silver girdles from which, on high festivals, worthy housewives hung their silken purses, they had been decorations quite as effective as any which modern fashion can display.

Long before the dawn of the Reformation, some desire for learning had become developed in Dundee, and the education of the people was making a little advance. The Grammar school, which the worthy monks of Lindores established, was earning for itself a good reputation, and helping to promote that knowledge of letters which was to become so important a factor in the national progress. We know little regarding the condition of the school, and nothing as to the number of its scholars in the early centuries; but, by the time that the invention of printing had stimulated the desire for learning, the master was receiving from "every bairn within his school six pence in house mail," and paying for school rent four pounds; so we may infer that he had then more than one hundred and sixty scholars. Those in the lower class paid 4s of yearly fee (equal to 12s), which appears to have gone to his two Doctors or assistants; those in the upper, one merk (equal to £2), which went to himself. It seems to foreshadow the modern system of free education, when we find that the fees of the upper class were afterwards reduced to 8s (equal to 24s), and that, to compensate the master, he received a stipend of £40 (equal to £120), from the common good. A very comprehensive system of training was provided in the school; the master being required to instruct "the youth of the burgh abone the age of eight years, in oratorie, poetrie, grammar, and moral letters; and also in gude manners and cumlie order"—a curriculum which shows that the city fathers were not only alive to the advantange of giving the young sound instruction in refined and useful knowledge, but that they also desired them to acquire—as hardly less essential—those wholesome habits of forbearance and self-denial that come from the cultivation of the courteous amenities of life. They besides provided means for training children in the gentle and civilising art of music—which serves to awaken, in sympathy with the poet's songs and the minstrel's lays, that innate love of harmony which comes as it were a national inheritance—

and the Sang school for the instruction "of young bairns and women children," by and by became a thriving institution. At different times, private venture schools were established in the burgh, but the magistrates generally discountenanced, and sometimes prohibited them, as being against the interest of the Grammar school. The facilities provided for education had not yet, however, diffused it among the great body of the people. In the multitude of churchmen there were many "learned clerks," and leading burgesses were often well educated, and had some knowledge of books, but craftsmen were mostly ignorant; and, when one had to sign his name, he generally did it "with my hand on ye pen"—a method, however, which even petty barons had sometimes to adopt.

In the early part of the sixteenth century, printed books were very rare in Scotland, and not many of them had reached Dundee. The Church of St. Mary possessed a few beautiful service books, which were fine specimens of the early printer's art—as we can see from the leaves that are yet preserved, some of which the late William Blades identified as belonging to the Sarum Missal, printed in 1494, and to the Sarum Gradual, printed in 1532—but few such now rare and valued books had come into the inhabitants' hands, and there is no mention of any in the inventories. Current literature was, as yet, almost altogether limited to well-thumbed transcriptions of Lives of the Saints, Classical Stories, Rhymed Histories, and Early Poetry; and these, with a few printed books, amongst them, perhaps, "Boece's Chronicles," would form the scant library of a well-to-do burgess. From such a collection, or from the ampler stores of oral tradition, ballad, and song carried about by wandering bards and minstrels, enough might be gleaned to enable the family to while away with some profit the long winter evenings. John Knox tells us that before the middle of the century, the people had got books into their hands, and were reading them with avidity. In 1546, John Scot, a printer, established his press in Dundee, and, although none of the works which he then printed have come down to us, it is very probable that one of them was the first collection of Wedderburn's "Ballates," which afterwards became popularly known as "The Psalms of Dundee." The following year, as we have already seen, Sir Andrew

Dudley, writing from Broughty Castle to Protector Somerset, says, "They are much desirous here in the country of Angus and Fife, to have.....bibles, and testaments, and other good English books of Tyndale and Frith's translation. Desiring your Grace to have books sent me to give to gentlemen and other honest men of the country, for I have promised a great sort. An there were a bookbinder that came hither with books, he should sell them very well." It was at this time that "The Complaynt of Scotland" was written, and its references to local circumstances and contentions, no doubt, made it very popular in Dundee; where other controversial books, such as those bought by James Rollok, in 1554, were being eagerly sought after. At an early time, a library was formed by the dignitaries of St. Mary's Church, and placed in an apartment in the south aisle of the choir. This aisle, happily, escaped with only partial injury at the time of the fire, and the books, not having been reckoned desirable spoil by the invaders, were suffered to remain, and they constituted an important part of the collection that was maintained there until the fire of 1841, which finally destroyed both books and building. Unfortunately, we know almost nothing of this library; but, that it was formed by the old Church, there is no reason to doubt, for a number of the books—which were first editions in oaken boards—"bore to have been repaired by William Christeson, the first minister,"[1] (1560-1603), who, with his reverent hands, mended the damage they had sustained in 1548. By the time the Reformation was accomplished, the knowledge of letters was spreading, and books had become much more common among the people. In an inventory of articles on board a ship, made shortly after this, I find it noted that there was a Dutch bible in each of "the mariner's kists."

In the old burgh, the beginning of the active day was proclaimed betimes by the chiming of the matin bells, "at four hours in the morning," and its ending by those for "evensang at nine hours"—following which, the curfew rang the time for bed. After the Reformation, morning prayers were not made so early, and it became necessary to adopt another method for calling out the people to work. This was

[1] Thomson's Hist. of Dundee, 305.

effected by appointing a piper, who, dressed in "the town's livery and colours.....passed and played through the burgh every day in the morning at four hours, and every nicht at aucht hours—a service for which every householder" was bound "to pay him twelve pennies yearly." By the agreement made in 1536, between the Council and George Boiss, mason, for his work at the Church and other public buildings, the hours of ordinary labour are defined; and these show that more was exacted from working men in the sixteenth century than there is now:—"In summer [he was bound] to enter at five hours in [the] morning, and wirk till aucht before noon, and then to have ane half hour to his disjune;[1] and, therefter, to wirk till half-hour till twelve hours;[2] and to enter at ane hour efter noon, and wirk till four hours efter noon; and then to have ane half-hour to his none-schankis;[3] and syne to wirk till seven hours at even." The length of the working day is thus shown to have been eleven and a half hours, with two and a half hours, in three intervals, for meals. When daylight became too short for these hours, masons and other out-of-door workmen were required "to enter as soon as they may see, and wirk as lang as they may see at even;" and, during the three winter months, they had no intervals for meals "because of the shortness of the days." The frequent festivals held by the Church, however, gave the working man considerable relaxation from the close confinement of tedious labour, as on the principal of these he held holiday, and also on the eves preceding some of them. "All festival evens that beis [before] fastren days," he left off work "at four hours efter noon, except Yule Even, Pask Even, Witson Even, and the Assumption Even of Our Lady," when he was allowed to leave at twelve. For these holidays no deduction appears to have been made on his wages. On the other ordinary festival evens "he worked till even."[4]

[1] Breakfast.

[2] The early dinner time was latterly known as "the eleven hours."

[3] This word appears to have been formed from "noon"—a term anciently applied to several hours following twelve—and "shang"—a piece of bread and cheese—and to have been used to denote the time of the secondary meal called "nuncheon" or luncheon, which afterwards was designated "the four hours." Prof. Thorold Rogers says that in the fifteenth century, in some parts of England, masons had an allowance of beer and bread which went by the name of "nonschenes"—a word which, he thinks, may be the origin of our modern luncheon.

[4] MS. in burgh archives.

The observance of the many saint's days in the calendar, while it varied the monotony of every-day life, considerably interfered with its business. The Court did not usually sit on them, but their frequent occurrence caused them to be sometimes overlooked. We have seen the Bailies adjourning a case to a certain day, "gif it be nocht haly;" as if neither they nor the clerk professed to keep a record of Church holidays. On one occasion, the Court, having assembled for rouping the salmon fishings, to pay "the first part of the grite [or national] taxation," discovered that the day was the feast of St. Mary Magdalene:—The Bailies, "with diverse of the Council, being conveinit for rouping the common gude, as term assignit thereunto, because the day is feriat[1] and haly, hes continuit the rouping till the morn." 1557. July 22.

Although Presbyterian Scotland has, in effect, lost all record of the festival days of the old Church, the memory of some of them is recalled by the yet lingering primitive customs with which they have long been associated; and even, it may be, by a faint unacknowledged feeling of regard for their ancient sanctity. We do not now, as our forefathers did, fix on one of them for the fulfilment of important stipulations, but we still enter upon the possession and occupation of property, and pay rents on the saint's days which, from of old, have been the terms. Yule recalls a great event by a genial season of good will and general rejoicing, and Pasche, the completion of a grand work by a peaceful time among emblems of pastoral simplicity; All Hallow Eve brings to us many gruesome folk stories, not unmixed with pleasant fairy fancies, and Andromas, a time of national reminiscences and patriotic aspirations. Shrove-tide, called in Scotland Fasten or Fastren's Even—the eve of the fast—the last day of the feast and carnival which immediately precedes the solemnities of Lent, continued, long after the Reformation had put an end to the observances of the season, to keep hold of the popular mind; and to be reckoned the appropriate time for such friendly social gatherings of simple folk as that which Burns describes:—

> "On Fasten E'en we had a rocking;
> To ca' the crack and weave the stocking."

[1] Consecrated.

Another of these long-honoured festivals was Mid-Lentrone, likewise called Car Sunday, by both of which designations I find it in the records. In England, the day obtained the name of Mothering Sunday, on account of the beautiful old custom observed by young men and maidens who lived away from home, of then visiting their mothers, carrying with them presents, usually of simmel cakes—a practice which became known as "Going a-Mothering. In Scotland, these filial offerings were called carlins or car-cakes—a dainty formed into a kind of pancakes, flavoured with well-spiced condiments—and these gave the popular name to the holiday. Semple, in his humorous song, "The Blythsome Bridal," includes them among the attractions of the marriage festivities—

> "The lads and the lasses in pearlings
> Will feast in the heart o' the ha',
> On sybows and reefarts and carlins,
> That are baith sodden and raw."

Car-cakes are not yet forgotten along the Braes of Angus; for there, under the same name, and in dimly recognised connection with the season of Lent, they continue to be prepared on the preceding Fastren's Even. They, however, are not now made the occasion of such simple and pious family pilgrimages as those with which they were associated in early times.

The days assigned to the honour of the Virgin—the patron saint of the burgh, and to whom the Church was dedicated—were reckoned special festivals, and on them the annual fairs—the great holidays of the people, and the main market days of merchants—were held. The principal day of "the First Fair, callit The Assumption day of Our Lady" or "Mariemes," was on August 15th, which, by change of style, became the 26th; and on this day it continues to be held. The people of Scotland long ago forgot, or confused the several saint's days in the calendar, and this popular festival, disassociated from religious observance, became known in Dundee burghal writings as "The Lady Mary Fair"—evidently, a corruption of "Our Lady" and "St. Mary"—and, in the course of time, the designation has popularly connected the old holiday with the name of some mythical patrician dame. A

similar, and, perhaps, more curious corruption has, in the course of three centuries, crept into the town chamberlain's books; where one of the few pre-reformation annuals which yet continue to be paid, has, in modern times, been regularly entered as "The altarage dues of Saint Mary the Queen!" The Latter or "Letter Fair, callit the Nativity day of Our Lady"—a festival also known in Scotland as "Letter Mary day"—was on September 8th, by change of style the 19th, and on this day the Fair is yet observed.

When St. Mary's Church attained its utmost splendour, the magnificent ritualistic services that were held within its walls, must have proved a source of great attraction to worshippers, as well as an incentive to their zeal. It had been to serve the same purpose, and to associate the people with the Church, that they were encouraged to take part in the great open air spectacles which at certain seasons were presented. The Corpus Christi procession, as it was exhibited toward the end of the fifteenth century, had, probably, been one of the most popular of these. From an inventory which has been preserved of the dresses and curious trappings used in it, as they were handed to one of St. Mary's priests for preservation, we may judge what the nature of its attractions was:—"The grayth of the prossession of Corpus Christi, deliverit Sir Thomas Barbour:—In primis, iij^{xx} of crownis; vij pair of angel veynis; iij myteris; Cristis cott of lethyr, with the hosse and gluffis; Cristis hed; xxxj suerdis; thre lang corssis of tre; Sanc Thomas sper; a cors til Sanc Blasis; Sanc Johnnis cott; a credil and thre barnis made of clath; xx hedis of hayr; the four Evangellistis; Sanc Katrinis quheil; Sanc Androwis cros; a saw, a ax, a rassour, a guly knyff; a worm of tre; the haly lam of tre; Sanc Barbill castel; Abraamis hat and thre hedis of hayr."[1] The cost of these shows had probably been borne by some of the burgesses. On one occasion, when a dispute arose regarding the payment of a contract for the supply of properties, It is enacted "anent the claim of twenty-six masks of drass [?] bygane, and all the masks till Mid Lentrone next to come, for sixteen pence the mask, pursuit be David Gilcrist on Peter Falconar, [that a day] be assignit to Peter to answer." 1523. Aug. 14.

[1] Printed in "The Hist. of Old Dundee."

These spectacles had, doubtless, been originally exhibited in the Church itself, but latterly they were presented on the Playfield. This field was that portion of the ancient Westfield which lay on the level haugh south of the burn; its western boundary being "the green braes" that afterwards obtained the designation of "The Witches' Knowe." It was conveniently situated and well suited for the production of such shows, and for those fantastically devised revels in which our ancestors took much pleasure. The special purpose, however, to which playfields in Scottish burghs were devoted—from which, indeed, they derived their name—was the exhibition at Whitsuntide, or other high festival, of popular Mysteries, or Miracle plays, usually founded upon scriptural subjects. These plays were very attractive, and their performance caused a great resort of people. Lindsay, who wrote some of them, in reference to this, says,

> "As for this day, I have na mair to say you,
> On Witson Tysday cum see our play I pray you."

At their early production, the clergy patronised and encouraged Miracle plays as a means for promoting religious fervour, and themselves took part in their performance; but, in the course of the sixteenth century, some of the plays were made to convey such satirical reproof against corruptions in the State and in the Church, that they became the subject of ecclesiastical anathema. As we have noticed, James Wedderburn wrote several of the more trenchant of them, and these were acted upon the Playfield at the West Port with so much effect, that he had to flee to the Continent in order to escape from the hands of irritated churchmen. During the time that his brother, Robert, was Vicar of St. Mary's Church, plays continued to be performed in the usual place. This I find from an entry, made shortly after the Vicar's death, regarding a musical instrument:—"Elspet Kynmonth is adjudgit to deliver to John Fothringam his trumpet, whilk he lent to William, [her spouse], in time of the play at the Westfield."

1553. Sept. 13.

The sports and recreations that help to diversify the stern duties of life, were much more followed before the Reformation than they were after, when the people began to take their pleasures more sadly.

Lindsay, enumerating the diversions in which his "Squire Meldrum" was able to indulge, says that he

> "Sometime with hawking and hunting,
> Sometime with wanton horse running;
> And sometime like ane man of weir,
> Full galzeardlie wald run ane speir.
> He wan the prize above them all,
> Baith at the butts and the futeball;
> Till every solace he was able,
> At cards and dice, at chess and table."

And, in his "Satires," he makes the Parson say that, although he could not preach, he could "play at the cache" and football;

> "And for the cards, the tables, and the dice
> Above all parsouns I may bear the prize."

Hawking was reckoned the principal open-air pastime of ladies and landed men; and we find Queen Mary herself taking much pleasure in its excitement. Although the sport could only be followed in the open country, some of the inhabitants of Dundee kept hawks, and, no doubt, occasionally flew them for the diversion of themselves, their wives, and daughters. Here is a claim presented for taking care of birds belonging to a burgher living abroad, which, however, could not be sustained. "Thomas Saltare, falconer, referrit to George Robertson's aith gif his eme, George Thomson in Salisbourch, promisit ony contribution or pleasure to Thomas for keeping of his hawks. Wha being sworn, deponit that his eme commandit him never to give him penny, nor plack, nor other thing." Hawks were expensive luxuries; one of the larger birds being valued at about equal to the cost of two cows. "Thomas Flesher hes constitute his weill-beluffits Robert Kyd and George Haye, his very lawful and undoubted errand-bearers to pursue John Marschel for the soum of three pound six shillings for ane goshawk, coft frae [him] be the said John." 1552. July 20. 1555. Oct. 10.

In the records there are a few references to the open-air recreations that were common in the old burgh. Football is not mentioned, but we know that it and other games with balls were then much practised

in Scotland. Playing at bowls was carried on in the same manner and with such bowls as it is now. "Pennystanes," which were flat disks of stone similar to the Grecian diskos, were played as modern quoits are. I also find some notice of winter diversions. Curling was already a popular sport. In the inventory of the gear in James Lovell's house, there is "a leding" or leading "stane," which, no doubt, had been a curling stone. Boys of all ages have invariably held saturnalia in the time of snow; and those in old Dundee had been having a boisterous snowball bicker, when Sande Barre was necessitated to go to a neighbour's house, and "plenzie how his brother wes hurt about snawballs casting beside the skemmils." They have, however, always been ready to use any sort of missile. "Gil, boy, is amerciate for stroublance of James Abirnethy's house in casting stanes at the windows; and James' wife," who had cuffed the boy, "is amerciate for the stroublance of Gil."

The common Meadow, upon which the archery butts were erected, was used by the community for various purposes, including the pursuit of popular amusements and the playing of games. It lay conveniently near the burgh, and the Council, wisely recognising its value as a healthful open space, maintained it in grass for a public resort. In 1558, it is described as "lying at the north part of the Murraygait, betwix the dyke of Andro Barrie's meadow at the west,[1] the well sheds at the north,[2] the stripe that comes frae Our Ladie well at the east,[3] and the back yairds and yetts of the Murraygait at the south."[4] Only "the twa pairt of the Meadow" then belonged to the common good, and "George Spalding was heritor of the third pairt." This portion was, however, subsequently acquired by the Constable, and, "therefter, coft frae him" by the Council. The Meadow continued to be used by the inhabitants as a common for recreation and

[1] This small field was afterwards added to the Meadow.

[2] These were the fields in the Chapelshed where the perennial springs rose that supplied Our Lady well and St. Francis well.

[3] This runnel, sometimes called the Wellgait burn, joined Tod's burn and flowed into the Mill dam.

[4] The lower portion of the Meadow, which extended to the "back dykes," and, the "brae" dividing it from the Market Gate, last century was diminished by a part being added to the east side of the Howff; and was cut off from the rest by the formation of a road (Meadowside), when it became known as the Little Meadow.

—being well supplied with water—for washing and bleaching linen. Adjoining it on the west lay another enclosure—The Ward—which, at a later time, was also acquired for public use, and the two fields—both shaded by fine old trees—remained open parks, capable of being easily made into beautiful urban pleasure grounds, until about sixty years ago, when they became appropriated for building purposes—a sacrifice for which the acquisition of spacious parks at both ends of the city is no adequate compensation.

As the time of the Reformation drew near, there came a disposition to discourage the practice of vain sports. In 1555, Parliament prohibited such revels as those in which Robin Hood, Little John, the Abbot of Unreason, or the Queen of May figured; "and gif ony wemen about simmer trees singing, mak perturbation in the passage through burghs.....they sall be taken, handelit, and put upon cuckstules."[1] Not long after this enactment was made, the Meadow was let on lease, probably for grazing, without any regard to the interest of the people who, by use and wont, frequented it. They did not, however, desist from coming upon the grass, or from playing their accustomed games, and the tacksman complained to the Bailies "against diverse persons of this burgh that, by all order, use playing at bowls and pennystanes, stenting of claith, stricking in of stakes, stramping down of the gerse in the Meadow, and casting furth of wad peist, and red thereintil." The Bailies, having considered the complaint, "ordainit the bellman to pass through all the streets and there, be open proclamation, charge all and sundry persons to desist in time coming" from doing anything that might tend "to the destruction of the gerse growing in the Meadow, under the unlaw of eight shillings to the Bailies, and eight shillings to the proprietor and the tacksman." 1558. May 2.

Besides discouraging the diversions that were followed in the open air, they prohibited others of a questionable character practised within doors. Card playing and games of chance appear to have been common amusements in the burgh during the time of the old Church—I find that, in 1552, there was in the cargo of a ship from Newcastle, "Ane gross [packs] of cartis"—but, when the new order

[1] Act Par. II., 500.

was taking the place of the old, a change came over the public mind; and, in 1559, a salutary magisterial ordinance was made against unlawful neighbours and loose vagabonds, which also included those who played at such games. It is decerned "that nae manner of nicht walkers, dysars,[1] cartars,[2] nor drunkards remain within the burgh; certifying [such] that gif they be found, they sall be put in firmance and prison unto the time that inquisition be tane of their guiding and manner of conversation; and, gif they be found culpable, sall be banishit, and punishit otherways in their persons according to their demerits."

From the tenor of the records which we have been considering, it is evident that before the time of the Reformation, notwithstanding national and local adverse circumstances, Dundee was fairly prosperous, and its inhabitants were in possession of some of the advantages which indicate and accompany a time of social progress. The government of the burgh was generally in the hands of men of probity, in whose discretion the people had confidence, and to whom they rendered ready obedience. Education was far from being common, and books were little read, but there was a growing desire for knowledge which augured well for the future. As the burghers are presented in these writings, they seem to have had a full share of the distinctive national character—perhaps in some points more favourably developed than it is now. Often narrow and not unprejudiced in opinions, they were usually open and straightforward in their dealings, and, possessing the social virtues of fidelity and temperance, they were able to fully maintain those prudent habits of perseverance and industry with which Scotsmen have ordinarily been credited. Although craftsmen had to labour hard, and were unable to obtain luxuries—which, indeed, were beyond the common reach—they easily earned so much of the necessaries and material comforts of life, that their condition might be compared not unfavourably with that of working men at the present day; and in their ranks there were few of the lawless or lazy who would not work. The people had no such variety of enjoyments as modern civilization

[1] Dice players. [2] Card players.

has provided, but they were not without some resources of innocent pleasure with which to soften the asperities of life. On the whole, we may conclude that "The good old times," if not so roseate and attractive as they have been portrayed, did not have the gloomy and unpleasant aspect in which some modern historians profess to see them; and, in looking closely at the picture of the past which these domestic annals present, we cannot avoid finding that, although the circumstances and surroundings of the old burgh were not by any means those of an ideal community, there is much in its history to excite admiration, and to serve for profitable example. The inhabitants of the modern city have had many advantages, and have made great social progress, but they may yet learn some useful lessons from the ruder and simpler people who lived in Old Dundee.

APPENDIX.

A. p. 99.

CONDITIONS ON WHICH THE ENGLISH PROPOSED TO GIVE "ASSURANCE" TO DUNDEE.

From MS. State Papers: Scotland: Edw. VI., Vol. II., No. 23.

> The articles granted by the town of Dundee to Sir Andrew Dudley, knight, captain of the Castle of Broughty Crag for the King's Majesty Edward the sixth, by the grace of God, of England, France, and Ireland, King; Defender of the faith, and in earth of the Church of England and Ireland, next under God, supreme head:—

First, that we shall be favourers of God's word, faithful and earnest setters forth of the same, as nigh as God shall give us grace. Also, we shall be true and faithful to the King's Majesty before rehearsed, without fraud or guile; but always, as near as we can and as much as in us shall lie, to be helpers and favourers of his godly purpose. Also, when ye require ony merchandise or other necessaries forth of our town, ye shall be served after the price as our neighbours payeth, agreeing with the parties for your money by exchanging or otherwise. And that we shall not pass nor repass forth of the water of Tay without renderance unto the King's Majesty's Castle of Broughty Crag, but shall come to an anchor there, and to be searched favourably—conform to our articles admitted and granted by the captain above written—and that we shall carry no artillery nor munition of war forth of the river of Tay, without license of the captain. Also, it shall be leful for any of your company to come to our town by water or by land to do all leful business; and that the town do always give warning, if there be any danger, to avoid the town, then we, so doing,

to be discharged. And that we shall not in any case fortify against the King's Majesty, nor none of his, without we be compelled by the Queen's Grace and her authority.

And our artillery to be housed—locked up—and the keys thereof in the hands of our Bailifs; and when they are taken out ye shall be advertised of the same.

And if our Governor prepare or cometh with any power against you, we also, as soon as we [have] sure knowledge thereof, [shall] advertise you as near as in us shall lie, or as we can. And if case be our Governor come with his army and power, then it shall be leful for us to do as we are able and think best, or else in no case to fortify against the King's Majesty, nor none of his, by sea nor by land.

To all the which articles above rehearsed, we, Provost, Baylifs, and Council, for us and our commonality, hath faithfully sworn upon the the holy Evangelists to perform and keep the same, as near as we can or in us shall be, till we know farther the King's Majesty's and the Lord Protector's pleasure. In witness of the which, we have subscribed your articles with our hands, and affixit our common signet thereunto, at Dundee the 27th of October, Anno Domini 1547.

John Skrimgeur, Constable and Provest of Dundye.
Robert Andersone, Baylif of Dundye, with my hand.
George Lovell, Baylif in Dundye, with my hand.
George Rollocke, with my hand.
Robert Michell, with my hand.
James Rollocke, with my hand.
Andrew Annand, with my hand.
James Watsone, with my hand.
James Lovell, with my hand.
John Streihan, with my hand.
John Ffothringham, with my hand.

[Dudley says that these conditions were signed by the parties "with their hands;" but it will be seen that he only sends "the copy" to Somerset—a Scotsman would not have written Baylif, as is here done. As noticed in the text, the conditions, although subscribed by some of the Council, including Provost John Scrymgeour, a man of weak character, were not accepted by the town generally, and had only been enforced by the several bombardments. It was not until the following August, as appears from the subjoined document, that a number of the inhabitants accepted the enemy's "assurance."]

B. pp. 83, 92, 138, 143.

INDICTMENT OF CERTAIN DUNDEE BURGESSES ON CHARGES OF RIOT AND TREASON.

Translation of a document in the Burgh archives.

John Campbell of Lundy, Knight, Justice-depute of a noble and potent lord, Archibald, Earl of Argyle, Lord Campbell and Lorne, etc., Justiciar General of our Sovereign Lady the Queen of her whole kingdom everywhere, to all and sundry those to whose knowledge these presents may come, greeting —

Know ye that there compeared before us in a Court of the itinerary Justiciary of our said Sovereign Lady the Queen, of the shire of Forfar, held, and before us, in the tolbooth of the burgh of Dundee, on Wednesday the 8th of March, 1552 [1552-3], George Luvell, burgess of the burgh of Dundee, James Luvell, ibidem, Richard Corby, Mr John Guthre, Harbart Gledstanis, Robert Mylne, Andrew Wannand, John Duncanson, Thomas Monorgund, James Dik, James Rollok, junior, Thomas Cant, Andrew Jak, Henry Richertsoun, John Small, James Hay, Robert Kid, John Ferne, Robert Barre, Andrew Barre, Alexander Carnegy, Alexr Patersoun, James Forester, David Wedderburn, Andrew Planetre, William Portare, Robert Luvell, James Scrymgeour, miller, Thomas Maxwell, Robert Peblis, William Carmichell, George Spalding, John Duncane, William Rollok, Alexander Barry, Patrick Lioun, John Cowstoun, Alexr Wedderburn, Alexr Michelsoun, Andrew Blak, George Blak, John Findlay, John Peirsoun, Henry Strathauchin, Patrick Nichol, Thomas Robertsoun, John Broun, George Andersoun, Henry Nicholsoun, John Walcar, Robert Thomsoun, John Guld, Richard Gilgour, John Hutoun, Macus Schang, David Duncane, Alexr Cuke, Robert Mechell, John Jacksoun, John Patersoun, Robert Fowlar, Robert Nicholsoun, David Logy, William Wilsoun, Robert Gibsoun, John Als, Jonkin Smyth, John Gray, David Blyth, John Moresoun, Silvester Ramsay, John Weland, Patrick Durahame, George Wischeart, John Sowter, John Blak, Patrick Petblado, Thomas Galloway, George Falcon, George Baxter, Robert Wedderburn, James

Wicht, John Rob, Finlay Duncane, Thomas Ogilvy, John Hog, John Cathro, Adam Smyth, James Reky, Patrick Greyn, Robert Rolland, Robert Barty, Alexr Maill, Thomas Henrisoun, David Watsoun, John Als, Ginkin Croil, Thomas Cowstoun, Robert Widdir, David Thompsoun, David Maxwell, Andrew Hendersoun, John Hall, Patrick Piot, Andrew Man, David Hill, Robert Spensar, John Rollok, miller, Thomas Gray, Alexander Pegat, David Hay, William Hog, John Zoung, Thomas Quhitsoun, David Wedderburn, David Robertsoun, Charles Luvell, William Shiphird, Kentigern Dekin, Henry Wellis, John Baxter, David Cokburn, John Kynard, John Cleg, James Scrymgeour of Reidgothin, Robert Watt, George Sympsoun, John Pantoun, Andrew Thompsoun, Archibald Burnet, David Hill, Finlay Fell, Mr Thomas Quhitlok, Andrew Buchane, Patrick Blak, William Cowte, John Dicksoun, James Huesoun, James Marlyeoun, John Cowstoun, Robert Child, William Kid, Andrew Juste, Robert Mechell, John Ferriar, weaver, Duncan Kynneir, James Ferriar, Robert Drummond, David Bennet, Finlay Flescheour, Alexr Allensoun, John Leche, Brandane Als, Brandane Gray, George Hay and John Stewart, junior, John Craufurd, John Ersken, John Quhite, James Gray and Alexr Forester, David Dog, George Cathro, Robert Striveling and Alexr Smyth, Robert Clayhillis, William Richertsoun, James Reky, James Child, Robert Grief and James Brown, Alexr Maill, William Ker, James Reid, David Liddale, Thomas Gardin and James Roch, Henry Piper, James Blyth, Thomas Man and William Man, John Gibsoun, Walter Cathro, Andrew Robertsoun, John Curing and Robert Kynmont, Henry Lowsoun, George Baxter, John Kynneir, Alexr Donaldsoun, Alan Murray, John Fell and Archibald Rettray, indicted and, by the rolls, charged with being art and part of traitorously remaining under the assurance of the English, the old enemies the kingdom, from the festival of St. Peter ad vincula called Lammas, in the year 1548, until the taking of the Castle of Broughty and the expulsion of the English who were there; which was in February, 1549 [1549-50]: Also, of art and part of the traitorous assistance, supply, and support of Norman Leslie, James Kirkcaldy, sometime of Grange, and other traitors, the whole time during which these traitors abode in the Castle of St. Andrews, by entertaining them, and providing

them with victuals and other necessaries; and so for art and part of their treason and crime of lese majesty committed by them: Also, for art and part of the cruel slaughter of seven Frenchmen and Italians in company of the Lord Prior of Capua, a worthy captain of the Most Christian King—cruelly pursuing and invading them, although the said Prior of Capua was expecting no evil to be done to him by the subjects of this kingdom, seeing that he had long since taken the foresaid Castle of St. Andrews, and apprehended the traitors who were for the time therein, by command of the said Most Christian King and of the Lord Governor: Also, for art and part in the oppression committed on the Friars Preachers and Minorites of Dundee, by coming to their Places within the said burgh with convocation of the Queen's lieges in great number, armed in warlike manner; and there breaking up the doors and gates of the Places, and breaking and destroying the ornaments, vestments, images, and candlesticks; carrying off the silvering of the altars, and stealing the bed clothes, cowls, etc., victuals, meal, malt, flesh, fish, coals, napery, pewter plates, tin stoups, etc. which were in keeping in the said Places; in company with Mr Henry Durham and his accomplices—rebels of our Lady the Queen, and at the horn—on the last day of August, 1543: And also, for art and part of the convocation of the lieges in great number, and, armed in warlike manner, coming to Perth by land and sea, and besieging the same; and for art and part of the cruel slaughter of James Williamsoun, Alexander Makinlay, and several other persons at the said time: Also, for art and part of assisting the late John Charteris of Cuthelgurdy and his accomplices, when they came to the Castle of Kirkhill in hostile manner, and took the goods therein; and, when they spoiled and burned the said Place and [ ] Douglas, [they] led the lady thereof outside of the Place to the water of Tay, and there, by the most cruel forethought felony, drowned her, though she was seventy years of age. Which charges the aforesaid persons, in face of the judge, altogether denied, and were by a worthy assize acquitted; and this, to all whom it concerns, we make known. In witness whereof, to these presents the seal of office of the Justiciary of our Sovereign Lady the Queen is appended, year, month, day, and place above written.

Note to p. 96.

THE CHARGE OF CONSPIRACY MADE AGAINST GEORGE WISHART.

To support the charge against the Martyr, Tytler, in his "Life of Sir Thomas Craig," (1823), quotes from Knox an account of Wishart preaching at Haddington; when, displeased at the small number of his audience, he uttered prophetic threatenings against that town:—"Yea, strangers shall possess thee; and you, the present inhabitants, shall either in bondage serve your enemies, or else you shall be chased from your own habitations;" and alleges that the preacher was speaking from a knowledge of the Earl of Hertford's plan for the impending invasion of Scotland, which he had learned when in England shortly before. This allegation cannot, however, be upheld; and dates show that it must be unfounded. On the 14th April, 1544, Sir Ralph Eure wrote to Hertford that he had received instructions to support his descent by burning, among other places, the town of Haddington. On the 17th, the "Scottish man called Wysshert" saw Hertford at Newcastle, and was thereafter sent on to King Henry. On the 26th, he received at Greenwich, a letter from the Lords of Council to carry to Hertford; who, by that time, was on his way with a fleet, which arrived in the Forth on the 1st of May. Hertford lost no time in landing his troops, and occupying and burning both Leith and Edinburgh; shortly after which, Haddington and other towns in the south were also burned. Now it is impossible that the envoy could have left Greenwich on the 26th April, carried the letter to Hertford, and preached in Haddington before the English were in possession of the district. Tytler himself must have felt that his theory was untenable, for, in his "History of Scotland," published a number of years later, when considering the alleged proofs of the Martyr's complicity in the plot against the Cardinal, he makes no reference to his former allegation. The time of the Haddington sermon is somewhat uncertain. If it was preached, as Spottiswoode says, shortly before the spoliation of the town by the English, the preacher would have already known, even from common rumour, that such an event was

probable; and, certainly, he could not have been the envoy in England. If it was preached, as Knox says—who, however, is not careful in dates—immediately before the preacher's seizure by Beaton, there were then no circumstances of arranged invasion to which his warning could have been applicable. We know that Wishart took all opportunities for making personal appeals to his audience; and that Knox and other writers were ready to make his utterances assume the form of prophetic warnings, which he himself may not have meant. The words of threatening he is said to have used at the stake towards Beaton, do not appear in the first edition of Knox's work.

C. pp. 94, 206.

JUDGMENT BY THE QUEEN REGENT ON A DISPUTE BETWEEN THE COUNCIL AND THE CONSTABLE.

From the Burgh archives.

At Aberdeen, the 21 day of September, the year of God 1556 years.

Anent the supplication given in to the Queen's Grace be the Provost and Bailies of the town of Dundee upon John Scrymgeour, younger, Constable of Dundee; making mention that John Williamesoun in Baireddy being within the town of Dundee lately in the month of August bypast, for troublance of the said town be hurting and wounding of Thomas Robertsoun, inhabitant of the said burgh, wes taken and apprehendit be the Bailies and officers of the said burgh, and put in the stokkis, as sure firmance, within the tolbooth of the said burgh; and, upon the morn therefter, the said John, at his awn hand, without warnisicioun or [licence] of the said Bailies, or ony uther that power had, brak the lok of the said stokkis, and took away with him the said John Williamesoun to [his] Place of Dudhope: And also, anent the said John Scrymgeour's complaint, given to her

Grace, bearing that the said Provost and Bailies intendit to have sitten upon the blude foresaid, and usit jurisdiction upon the said John Williamsoun, contrair to the said Constable's privilege and richt: And also, anent the letters, directit at her Grace's instance, charging the said Constable to deliver the said John Williamesoun to the said Provost and Bailies within certain space, under the pain of rebellion—as at mair length is conteinit in the said supplication and letters: The said Provost and George Wischert, ane of the Bailies of the said burgh, being personally present, and also the said John Scrymgeour, with his forespeaker, also personally compearing; their richts, reasons, and allegations being weill heard and considerit, togidder with the deposition of John Antoun, officer of the said burgh of Dundee—whom to baith the said parties reservit them anent the manner of the awa taking of the said John Williamesoune—being examinat in presence of the Lords of her [Grace's] Secret Council: The Queen's Grace, be avice and counselling of the said Lords, whilk, be her command and commission, had of before tane perfite counsel in the matters foresaid, ordains the said Constable, with all possible diligence, to put, restore, and deliver again the said John Williamesoun to the said Provost and Bailies, to be put within the said stokkis in firmance, whar he wes taken frae; and, the said John Williamesoun being, be the said Constable in manner foresaid, deliverit to the said Provost and Bailies to the effect foresaid, ordains the said Constable to warn and desire the said Provost and Bailies to deliver the said John Williamesoun to him, to be punishit be him conform to his demerits, and to the said Constable's jurisdiction—ane of the Bailies of the said burgh sitting in judgment [with him], to see justice ministrat, and try the offence; because it wes committit be him on the inhabitants of the said burgh and extrandars also. Whilk requisition being made be the said Constable, the Queen's Grace ordains the Provost and Bailies, without delay, to deliver the said John Williamesoun to the said Constable to be punishit be him, conform to his demerits, in sae far as the said Constable jurisdiction hes, or may use agains the said John Williamesoun, by reason of his office foresaid. And, gif the crime committit be the said John Williamesoun be of sic nature and quality that the said Constable, in default of jurisdiction,

may nocht punish the same according to rigour and [the] laws of this realm, the Queen's Grace ordains the said Constable to deliver and present the said John Williamesoun unto her Grace's Justice, to be punishit duly for his offence; and that he, within twenty days efter the receiving of the said John Williamesoun frae the said Provost and Bailies, compear before the Queen's Grace, whar it sall happen her to be for the time, and mak true report and [ ] unto her Grace what order and process beis usit be the said Constable upon the said John Williamesoun in the meantime, anent the execution of justice and the probation of the offence foresaid. Charging always the said Constable to do justice in the said matter, sae far as he jurisdiction hes, as he will answer to the Queen's Grace thereupon, without further delay; and that without prejudice of our Soverane Lady's richt, or approbation or improbation of the richts of aither of the said parties; or warcessioun of ony new richt to ony of them be thir presents, furder nor they had of before. Subscryvit be the Queen's Grace at Aberdeen, the said 21 day of September, the year of God 1556 years.

MARIE P.

D. pp. 71, 164.

LETTER FROM SIR JAMES CROFT TO THE ENGLISH COUNCIL CONVEYING INTELLIGENCE FROM SCOTLAND.

From MS. State Papers: Scotland: Eliz., Vol. I., No. 19.

It may please your honourable Lordships to be advertised that I had intelligence yesterday out of Scotland of a great dissention within that realm, growing of two causes. One is that since the arrival of Knox, a great number of the nobility, with a multitude of others, repair to the said Knox to Dundee, where he and others doth continually preach. Whereupon the Regent commanded those

preachers to appear afore her at Starlynge [Stirling]; and they being accompanied with a train of five or six thousand persons, the Regent dismissed the appearance, putting the preachers to the horn, and commanding the nobility to appear before her at Edinbroughe. After this commandment, the companies retired, and part of them going to Saint John's town, have there expulsed friars and others out of two religious houses. And the Abbot of Cowper, brother to the Earl of Argyle, hath refused his habit, and taken upon him secular weed. Of these doings, the Earl of Argyle, the Earl Marshall, the Earl of Arrell [Errol], the Earl of Clyncarne [Glencairn], with diverse other noble men are parties. And the Earl of Huntley, who was late with the Dowager, is now gone from her to this company. And these Lords and the rest sent one named the Laird of Dune to the Regent, offering that they will appear before her without any company but their household servants. And, if it shall please her, they will bring the preachers to dispute with the clergy for the matters of religion which is in question. And the Dowager, taking displeasure with the messenger, commanded him out of her sight. Whereupon he gat him to horse and departed with speed, which if he had not done, she intended to have stayed him. But, missing the apprehending of him, she caused him to be put to the horn. While these things were in doing, about two days past, certain of the French bands appointed to lie about Kingcorne, [beginning] to take victuals upon credit—for that they have been a long time without pay—the country and they have fallen at variance, and of the French there is slain about vij or viij score persons. And now, the band of Frenchmen lying on this side of the Firth, are sent over with speed, in so much as where there remained in Aymouthe [Eymouth] but three hundred Frenchmen, two hundred of those are also sent away. Whether these bands do go to oppress those that do accompany the preachers, or to revenge the slaughter, I do not know. But yesterday night I looked for the return of the messenger of this town, (who went with my Lord of Northumberland's letters to the Regent, to have the names of such commissioners as should treat of the articles between both the realms, and to agree upon a place of meeting); and, because the said messenger is not returned,

I think the variance in Scotland doeth continue, and, therefore, the return of the messenger is stayed; but as I shall hear further, I will advertise your Lordships. And thus I commit your Lordships to the tuition of All Mighty God. At Barwike [Berwick], the 19th day of May, 1559.

Your most honourable Lordships
at commandent,

JAMES CROFT.

E. p. 205.

AGREEMENT BETWEEN THE BURGH AND THE CONSTABLE REGARDING HIS JURISDICTION DURING THE FAIR.

From a fifteenth century translation in the Burgh archives.

The copy of the indenture betwix the Constable and the Provost, Bailies, burgesses, and community of Dundee:—

This present indenture testifeis at Dundee the xiii day of August, in the year of God ane thousand three hundreth four scoir and four, that this agreement was made betwix the Provost, Bailies, and burgesses of the community of the burgh of Dundee, upon the ane pairt, and James Scrymgeour, hand senze of our master the King, upon the uther pairt, in the presence of nobles and barons—James Lindsay, David Lindsay, Alexr Lindsay, Walter Ogilby, Sheriff of Angus, and Jhone Maxwell, Knight, and many uthers:—That is to say, that the said James Scrymgeour, for him, his heirs, and assignees, purely and simply hes quitclaimit all action of wrang which he had or might have before the day of the making of this indenture, in the punishing of the blude touching the burgesses, stallangers of the said burgh, and their servants, in taking their places at the

fair; in trial of elwands, wechts, and balandis, and of all uther wrangs touching the liberty of the said burgh, [or of] the said burgesses, stallangers remaining in the said burgh, and their servants, for forty pounds, usual money, completely payit to the said James; so that neither the said James Scrymgeour, his heirs, nor assignees sall any way intromit with the fautes touching the said burgesses, stallangers, [or] their servants; except only gif it happen at the fair any burgess of the said burgh, or stallanger, or any serving them be arrestit be the Constable or his depute, [then] the Bailies of the said burgh sall sit upon the Castle Hill with the Constable or his depute, and sall do the complainers [all] that richt and order of reason requires. And, gif the said burgess arrestit, or stallanger, or any serving them be convicted, the merciament sall be twenty merks to the Bailies of the said burgh, na pairt of it remaining to the Constable. In witness whereof, to ane pairt of this indenture remaining with the burgesses of the said burgh, the seal of the said James Scrymgeour, together with the seals of the said James Lindsay, Patrik Gray, and Alexr Scrymgeour of Arbrothe, for true witnessing are appensit; the uther pairt of this indenture is with the said James Scrymgeour, with the common seal of the said burgh sealed. And this was done the place and year abone written.

F. pp. 97-113.

ADDITIONAL NOTES UPON THE ENGLISH INVASION.

Since this work passed through the press, Vol. II. of "The Acts of the Privy Council of England," New Series, has been issued by the Master of the Rolls, and this gives some additional illustrations of the method adopted by the English for influencing unworthy Scotsmen to help them in gaining and holding a position in the valley of the Tay. Lord Gray, whose lands lay near Dundee, was the principal agent in forwarding the invader's interest. We have seen that, in September, 1547, he traitorously gave over to them his Castle of Broughty (*ante* p. 98), and the Acts of Council show that shortly after this, Somerset forwarded to him the sum of £1173,[1] "as given to him in reward by the King's Majesty."[2] Subsequently he received £100 for "his charges lying at Dundee;" and his brother was promised, "for the encouragement of him to continue in well-serving, a pension of 200 crowns by the year."[3] On the 2nd December, a letter was written to Lord Gray, pointing out that the notorious George Douglas "should practise with the Governor [Arran] to agree to the delivery of the young Queen, or else to leave him utterly"[4]—a project of abduction which was frustrated by her shipment to France (p. 101). The Earl of Argyle, who commanded the army which attacked the English in Broughty Castle, was openly accused of having taken bribes from the enemy (pp. 100, 108, 109)—a charge which is now sufficiently verified. Early in February, 1547-8, the Privy Council received a communication from him, probably through Lord Gray, "giving hope of his devotion;"[5] and, on the 14th, they wrote to Sir Andrew Dudley at Broughty, regarding "the hope that the Lord Gray had for reducing of that Earl [Argyle] to the King's Majesty's part—albeit the often proofs had of the Scots' dissembling, gave cause to think rather that [the] assurance passed of constraint through fear.....and that, likewise, it might be they used their wonted policy of taking money on both parts..... yet, considering the man to be an Earl, and of such credit in Scotland,

[1] The value of sterling money at this time was probably nine times what it is now. See *ante* p. 371.

[2] Acts of the English Privy Council, II. 132.

[3] Ibid. 161. [4] Ibid. 535. [5] Ibid. 170.

upon whom a portion of money adventured (they being both money men) might, peradventure, work some other good effect," they resolved, "according to my Lord Gray's motion," to treat with him.[1] Next day, John Brende was instructed to repair to Scotland "to treat with the Earl of Argyle;"[2] and he performed the business so satisfactorily that, on the 1st April, the Council appointed him muster-master in the North, "because it was considered by his late service to the Earl of Argyle.....that he hath declared himself a man of wit, and [of] good areadiness to express by the pen very vievlie and handsomely all his proceedings,"[3] (p. 111). At this time the Council wrote to Lord Gray that "whereas he seemed to have doubt of the acceptance of his service, he was signified eftsoones that they conceived toward him a good disposition.....and thought his devotion toward his Majesty to increase, [pp. 102, 104], seeing he showed by his letters a desire to remain his Highness' servant. And for the answer of his demands of his letters," they had written Sir Andrew Dudley and Sir John Lutterell at Broughty, what should give him "good cause to be contented." The purport of this communication being to authorise them to offer him a pension of 1000 crowns. After sending these letters, the Council, however, felt that they were dealing too liberally with Gray, and, two days later, they again wrote Dudley and Lutterell, "signifying [that], if they had not already spoken with Lord Gray, they should make overture only of 600 crowns, and, if he shall not be well pleased therewith, make it—by degrees adding—800 crowns, and that he shall further be considered by the King; with such other good words.....so as he may take courage to do some notable service."[4]

Henry Durham, Captain of Broughty Castle at its surrender, memorialised Somerset regarding the losses he had then sustained (p. 98); and the Protector in Council ordered that, "in respect of his services and losses," he should receive £50, and "an annuity of £50 by the year; with liberty to traffic with Scottish wares in England." Subsequently he obtained, "in recompense of his service in the rendering of Broughty Crag, and of certain salmon taken of him

[1] Acts of the English Privy Council, II. 543.
[2] Ibid. 170.
[3] Ibid. 551. Brende's letter is printed in Tytler's "Hist. of Scotland."
[4] Ibid. 552.

there to his Majesty's use, the sum of £90."[1] Thomas Stewart, another recreant Dundee burgess, who gave aid to the English (p. 107), for which his possessions were afterwards forfeited (p. 240), received £25 "by way of his Majesty's reward;"[2] and his brother, John, obtained a like sum.

The various proposals made by the Master of Ruthven, Provost of Perth, for delivering that burgh to the English if assured of reward (p. 105), did not lead to any result, or prove of much advantage to himself. In June, 1548, he received £50 "in reward."[3] The following November, he had other "£39 in reward for service,"[4] and, in December, £25.[5] He afterwards appears to have made an attempt to open negotiations in London. In August, 1549, the Privy Council gave instructions for the payment of £5 "to the Master of Ruthven's man—by way of reward—sent to the Court out of Scotland."[6] Balfour of Montquhanny also had a desire to serve the enemy. After they obtained a footing by the estuary of the Tay, he went to London, where he had an interview with Somerset; and, in February, 1547-8, the sum of £50 was paid "in reward to the Lord Mountwhany—returned to serve in Scotland—who had also passport for [ ] horses, and letters of commendation to the Lord Gray and Sir Andrew Dudley"[7]—to whom, as we have seen, he propounded a scheme for putting the English in possession of St. Andrews, (pp. 102, 105).

To forward the operations of the invaders, they had a map drawn of the river and its surroundings. Were this map still in existence it would be an object of much interest and value; but, unfortunately, it seems to have disappeared. In June, 1548, the sum of 40 shillings was paid "to Markes Brown, for a plat of the coast about the river of Tay in Scotland."[8] Sir Thomas Palmer was "sent in post to the North," with "instructions to devise for fortification of Broughty Crag, and the making of a citadel in Dundee for surety of the same, and of the King's friends thereabouts"[9]—works in which, we have seen, some progress was made, (pp. 109, 110).

"The Diurnal of Occurrents" says that, on the surrender of Broughty Castle, "ilk man [was allowed] to pass with as meikle as he

[1] Acts of the English Privy Council, II. 157, 158. [2] Ibid. 271. [3] Ibid. 206. [4] Ibid. 229. [5] Ibid. 231. [6] Ibid. 319. [7] Ibid. 172. [8] Ibid. 204. [9] Ibid. 161.

micht bear" (p. 113). But this does not seem to have been the case. Sir John Lutterell was then in command of the Castle—he having been placed there on the appointment of Dudley to the post of Gentleman of the Privy Chamber to Edward VI.—and, following its capture, on 7th March, 1549-50, a warrant for £400 was sent "for the ransom of Mr Lutterell and others, taken at Broughty Crag."[1] This sum had not, however, been sufficient to free Lutterell; for the Scots required hostages. On the 29th, the Earl of Shrewsbury, "President in the North," was instructed "to give order [that] the three Gordons, pledges for the Lord Lochinver, Lord Thomas Rosse, and the Lord of Carse, may be delivered to Thomas Wyndham, to be by him conveyed to Sir John Lutterell for his relief."[2] The defenders of the Castle, some of them being foreign mercenaries, left their arms behind them. On the 22nd, orders were given "to pay the Albanoys a full pay and a month beforehand, according to their capitulation, [and] deliver them so much armour and weapon as they lost at Broughty Crag."[3]

A blank in the Privy Council Register from July, 1543, to May, 1545, leaves us without further knowledge regarding the conference of Henry VIII. and his Council with the "Scottish man called Wysshert," concerning the plot for slaying Cardinal Beaton. We, however, find that after the Cardinal's murder in his Castle of St. Andrews, the King showed every disposition to befriend the assassins, and, when they sent envoys desiring his assistance there, he gave them a favourable reception. Henry's death happened not long after Beaton's, but he "did before his decease resolve to give certain pensions to diverse noble men which keep the Castle of St. Andrews," "and to entertain 120 men for the more sure defence of the Castle."[4] At the accession of Edward VI., the Privy Council, on 6th February, 1546-7, confirmed the pensions, and made out letters patent for an annuity to the Master of Rothes, the Lord of Grange, and five others; besides providing subsidies for the garrison in the Castle.[5]

[1] Acts of the English Privy Council, II. 407. [2] Ibid. 421. [3] Ibid. 417. [4] Ibid. 12. [5] Ibid. 13.

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